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MEMORIAL and PETITION

TO

The Honourable the COURT of DIRECTORS of
the EAST INDIA COMPANY,

FROM

ARCHIBALD Earl of DUNDONALD.

12th JULY, 1786.

MEMORIAL and PETITION

The Honourable the Directors of
the East India Company



FROM

ARCHIBALD EARL OF DUNDOWLD.

2nd June 1860

To the Honourable the COURT OF DIRECTORS of the
EAST INDIA COMPANY.

T H E

MEMORIAL and PETITION

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ARCHIBALD Earl of DUNDONALD, on Behalf of
his Brother BASIL COCHRANE, Senior Merchant in the
Service of the EAST INDIA COMPANY.

THE Memorialist has learnt, with equal surprise and concern, that, in consequence of certain representations given of his brother Mr. Cochrane's conduct, relative to the punishment of a servant of his, of the name of Vydenadah, the Court had, upon the 26th of April last, thought it proper to form a Resolution, to be made part of their General Letter to the Government of Madras, for dismissing the said Basil Cochrane from the Company's service; which Resolution was founded on a Report made by the Company's Solicitor, to whom the papers relating to Mr. Cochrane's Case had been referred; and in that Report, as well as in the sentence of dismissal itself, there are such expressions of censure of his conduct as could not fail to give an impression that the death of Vydenadah, which happened on the seventh day after his being publicly punished, for offences committed against the East India Company, as well as against his master, was imputable to Mr. Cochrane.

This sentence of dismissal, in Mr. Cochrane's peculiar situation, if carried into execution without further examination, would in its consequences amount to the most severe condemnation, and would be a condemnation likewise without trial, and without proof: It would thus

fix upon a man of an honourable and well-established character, the imputations of cruelty, and even of the crime of murder; and it would necessarily be inferred, that the evidence of his guilt must have been of the most manifest and convincing nature, because nothing short of such conclusive evidence could ever have induced the Directors of the East India Company to dismiss from their service, without trial, a faithful servant, whose repeated merits, and particularly during the last war, have been ascertained upon the Company's records, in a manner highly creditable to him—and who, after seventeen years constant residence in India, spent in the most laborious and diligent exertions of his duty to the Company, had reason to flatter himself with the hopes of approbation and reward for his past labours, instead of such an unexpected sentence from his Honourable Employers, which must inevitably blast all his future hopes in life.

In short, the sentence of dismissal which has been proposed to be pronounced in Mr. Cochrane's Case, would justly be felt by him, and by his relations, as not less harsh and severe than a sentence depriving him of his life; for, independent of the certain ruin which it would occasion to his fortune, situation, and prospects, either in India or elsewhere, it is well known that, to a person of a certain rank and character, good name and reputation are as valuable as life.

Under these circumstances the Honourable Court will, it is hoped, receive with indulgence this Address from a person so deeply and anxiously interested in the fate of a brother who possesses his esteem and affection in the highest degree; and he flatters himself, that the Court of Directors will not refuse the trouble of reconsidering Mr. Cochrane's Case, especially as the Memorialist is confident that he shall be able to prove to demonstration, that the circumstances of the Case have hitherto been incompletely, and partially brought under the consideration of the Honourable Court of Directors.

In support of this assertion, the Memorialist requests the attention of the Court to the steps which have hitherto been taken in England upon Mr. Cochrane's Case, and which immediately preceded the proposed sentence of dismissal.

The several dispatches from Madras, and particularly those by the ships the Pigot and the Juno frigate, had brought to the India House

a great variety of papers relating to Mr. Cochrane's business; in consequence whereof, the Court of Directors, upon the 24th of March 1786, made the following order :

24th March 1786.

“ Ordered, That the papers relative to the charges exhibited against
 “ the Honourable Basil Cochrane, a senior merchant on the Fort Saint
 “ George establishment, be *referred to the Company's Solicitor to take*
 “ *such measures as the nature of the case may require, and to report to the*
 “ *Court thereof.*”

On the 28th of March last, the Glatton East Indiaman brought to the India-house additional papers from the Government of Madras relating to Mr. Cochrane's Case, particularly it brought Secretary Freeman's detail of the proceedings : and though there was no new order of reference thereupon to Mr. Smith the Company's Solicitor, yet it is evident, that he must have considered these as falling under the reference of the preceding 24th of March, as the greatest part of his Report, to be afterwards noticed, appears to have been founded on the papers thus brought by the Glatton East Indiaman : and these papers had been sent from Madras without any intimation to Mr. Cochrane of the dispatches then intended to be sent to England relating to him, by which means the papers necessary for Mr. Cochrane's defence did not arrive by that ship, but have since been received, as will be noticed hereafter in the course of this Memorial.

On the 4th of April 1786, the following order was made :

“ *At a Court of Directors held on Tuesday the 4th of April 1786.*

“ The Memorial of Mr. John Cochrane, on behalf of his brother the
 “ Honourable Basil Cochrane, praying that strict justice may be done
 “ to his brother, in the investigation of his conduct at Madras which
 “ will shortly take place, being read ;

“ Ordered, That the said Memorial be referred to the Company's
 “ Solicitor to examine, and to report his opinion thereon.”

In consequence of these references, Mr. Smith, the Company's Solicitor, made a Report of the Case, which was signed by him on the 23d of April last, presented to the Committee of Correspondence on the 25th, and to the Court of Directors on the 26th of April ; and that same day,

in consequence of Mr. Smith's Report, the paragraph for dismissing Mr. Cochrane from the Company's Service was framed and resolved upon.

That Report of Mr. Smith's, which is supposed to have been drawn up after the perusal of a very voluminous collection of papers, consists but of a very few pages, in which there is hardly a trace to be found of any of the various material circumstances in Mr. Cochrane's favour; while, at the same time, those which his enemies had stated to his prejudice, seem to have been collected with a considerable degree of industry.

If the Memorialist shall be able to shew by clear and convincing proofs, that the Report thus drawn up by Mr. Smith does not contain a full and fair representation of the Case, he cannot doubt that the reliance which the Directors have hitherto placed on that Report, because they had no suspicion of its inaccuracy, will be completely destroyed; and that they will now be disposed to pay superior attention to a faithful representation of the true circumstances of the Case.

That there may be an opportunity of pointing out some of the material errors or mis-statements in Mr. Smith's Report, without giving room to suppose any misrepresentation of what it contains, the Memorialist finds it necessary here to state the whole of Mr. Smith's Report, divided into different paragraphs, subjoining to each different division of that Report, certain observations, or references to proofs which operate against the justice or accuracy of the statements therein contained.

It being impossible from that very brief Report to attain any adequate knowledge either of the Case itself, with its essential circumstances, or of the proceedings upon it, which took place at Madras, and at Negapatam, the Memorialist will, in the course of his observations upon the different paragraphs of Mr. Smith's Report, take occasion to supply the deficiencies and omissions, by inserting such material facts and circumstances as are requisite for affording a true knowledge of the Case, taking care to arrange it according to the order of time in such manner, that on the perusal of each paragraph of the Report, jointly with the supplemental history contained in the Observations subjoined to such paragraph, the transactions of each period referred to in the Report, and the material facts connected with the several periods, will appear.

Mr.

Mr. Smith's Report begins thus :

" I have perused the Memorial of Mr. John Cochrane, on behalf of his brother the Honourable Basil Cochrane, and the copies of letters sent with it ; also the Report of Messrs. Fallofield, Mitchell, Taylor, and Rosbotham, respecting the death of Vydenadah ; and the detail of proceedings in consequence of certain charges against Mr. Cochrane, received by the Glatton the 28th of March last."

The Report then proceeds as follows :

Paragraph 1st. *" It appears that about 1st December 1783, the Mayor of Madras, and the Governor and Council of Fort St. George respectively, received an Anonymous Petition, importing to come from the inhabitants of Negapatam, complaining of the death of two persons in consequence of severe punishment inflicted by the Honourable Basil Cochrane."*

Paragraph 2d. *" This Petition being anonymous, was not entered upon Record, but considering the charge to be of a serious nature, it was seen proper to order Mr. Cochrane to the Presidency."*

OBSERVATIONS on Paragraph First of the REPORT.

As a copy of the Anonymous Petition thus referred to in the Report was sent to the Court of Directors, it cannot be doubted that Mr. Smith took the trouble of glancing it over ; and if so, he must have perceived, and ought to have reported the contents and circumstances of that Petition which rendered it unworthy of credit in any respect, and undeserving of the serious attention that was paid to it.

It was undeserving of attention for various reasons :—In the *first* place, because it was *Anonymous* ; and it had ever been the rule of the government at Madras, as it is in all well regulated governments, to pay no manner of regard to, at least to take no public notice of, dark and malevolent attacks made upon the character of individuals, and especially attacks on the character of long-tried and faithful servants of the Company, by those who had not the courage or the honesty to avow themselves as fair and open accusers.

Secondly,

Secondly, Because that Petition, though purporting to be from the inhabitants in general of Negapatam, has never been avowed by any of them, though various means were used in the course of many months to incite every inhabitant of that district who had any grievances to complain of against Mr. Cochrane, to come forward and make their charges against him.

Thirdly, Because in that same Anonymous Petition, Mr. Cochrane was expressly charged with the death of an inhabitant of Negapatam, whom it was averred he had ordered to be flogged through every street, and that three days thereafter the person so flogged had died.—The paragraph in the Petition on this subject is:—"One Ramah Naig, a Bottique man of this place, brought in 1 $\frac{1}{2}$ pound of tobacco from out of the bounds, whom he ordered to be tied to the cart's tail, and flogged through every street: Three days after which he died."

Now the fact is, and Mr. Smith in his perusal of the Papers must have seen the complete proof of it, that the person thus asserted to have died of a punishment inflicted on him by Mr. Cochrane, was discovered to be alive and in perfect health; and in the course of the proceedings in this business, subsequent to the giving in of the Anonymous Petition, was employed by Mr. Cochrane to deliver letters from him to the President and Council, and to Mr. Sullivan, in order to afford the most complete conviction of his being still alive. This is a circumstance which would not have been unworthy of Mr. Smith's notice in the account given by him of the nature and complexion of the Anonymous Petition.

Fourthly, Because the account given in that same Petition concerning the punishment inflicted by Mr. Cochrane upon his servant Vydenadah, was not only so exaggerated as to be incredible, but in the course of the proceedings, which must have been known to Mr. Smith, had been proved to be totally false in the greatest part of the most essential particulars; and the whole account given in that paper of the occasion of the punishment has also been proved to be false.

Amongst other absurdities, it was said in the Anonymous Petition, that "Mr. Cochrane had ordered *ten Pallankeen Boys*, and *ten Sepoys*, to beat Vydenadah, from eight o'clock in the morning until twelve in
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" the forenoon, pouring the water mixed with salt upon his back,
 " which they, the Petitioners, *reckoned about two thousand lashes.*"

Fifthly, Because from the complexion and contents of the Anonymous Petition, it was evident that it was calculated by some interested person or persons for the purpose of getting Mr. Cochrane removed from his station of Assistant Resident at Negapatam. One paragraph of the Petition is in these words: " If you be pleased to do justice for this
 " tyranny, and *send another good master to this place*, we may have
 " some hopes to remain here for some time longer, otherwise we shall
 " be obliged to go away to somewhere else to get our living. The
 " reason of our not signing this Address is, that there resided before
 " *four gentlemen at Nagore* to manage the business; but now the
 " management has been conferred on one single gentleman, who
 " *made it his practice to beat and kill the people*, but could not obtain
 " redress, which frightened us to sign our names; which we shall do
 " if another gentleman be sent to enquire into the affair."

The Authors of the Anonymous Petition were successful indeed in their favourite object of getting Mr. Cochrane removed from his station at Negapatam; for not only was he recalled to Madras in consequence of this Petition, but he was deprived entirely of his office of Assistant Resident in the Nagore districts—a successor was appointed to him without any hopes given to Mr. Cochrane of his ever being restored to that place; and in fact he never has been restored.

In these circumstances, according to the Declaration in the Anonymous Petition, the Authors of that Paper were bound to come forward with their avowal of it; but to this day no person or persons have ever avowed themselves the authors of that scandalous Petition, notwithstanding that every person at Negapatam had been invited, and strongly encouraged, in the most public and even unusual manner, to come forward with charges against Mr. Cochrane, in support of those contained in the unsigned Paper of Information which had been sent to Madras.

That any regard should have been paid to an Anonymous Petition of this nature, at any period, is somewhat surprising; but it is not less surprising, that Mr. Smith, in making a Report to his Employers, which professes to give a faithful account of the rise and progress of
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these charges against Mr. Cochrane, should not have thought himself called upon in fairness, to state the nature and extent of the various heavy charges made against Mr. Cochrane in the Anonymous Petition which was presented to the Government at Madras, and to take notice of those parts of that Petition whereof the falsehood had been clearly established; because that Anonymous Petition was the *foundation and origin* of all the trouble and hardships which Mr. Cochrane has suffered in the course of this business, and likewise the foundation and origin of all the trouble that has been occasioned, first to the Government at Madras, and now to the Court of Directors on this subject.

Mr. Smith, in the course of the perusal of the papers and proceedings, must have perceived, that the falsehood of almost every particular contained in the Anonymous Petition had been established in the clearest manner; and it might have occurred to a person of his profession, and so conversant in business, that in matters of accusation, where nine-tenths, or any given large proportion of the charges are proved with certainty to be totally false, it is material for the person accused, and in justice is due to him, that an observation of fact so essential to his interest should not be neglected, or kept out of view; because if any doubt remains with regard to such part of the charges whereof the falsehood has not been so completely proved, still the clear proof of the falsehood of the greatest proportion of the charges must operate in favour of the person accused, by diminishing the faith due to the remaining charges proceeding from the same quarter, until they are supported by the most credible and convincing evidence.

This rule will hold even in the case of accusations made by open and avowed accusers, but much more ought it to hold in the case of those assassinating accusations in the dark, where there is no restraint upon the base authors of such practices to frame their accusations in any manner they choose for injuring the person whom they wish to ruin.

Instead of submitting to the consideration of the Directors the Remarks and Observations which naturally, and almost necessarily belonged to this part of the subject, Mr. Smith has with great coolness and composure related the fact of the Anonymous Petition, and rather seems to justify the attention that was paid to it.

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He mentions indeed in passing, that that Anonymous Petition which imported to come from the inhabitants of Negapatam, *complained of the death of two persons in consequence of severe punishment inflicted by the Honourable Basil Cochrane*; but he seems studiously to have avoided mentioning that *one* of these persons thus asserted to have been killed by Mr. Cochrane's means, was produced by him to the President and Council alive, and in perfect health; neither has Mr. Smith allowed himself to state to the Directors any of the inferences above suggested, so natural to have been made in Mr. Cochrane's favour, in consequence of the detected falsehood of the most material articles stated in the Anonymous Petition.

OBSERVATIONS on the Second Paragraph of the REPORT.

Mr. Smith says, " That this Petition being Anonymous was not entered upon record, but considering the charge to be of a serious nature, it was seen proper to order Mr. Cochrane to the Presidency."

Here Mr. Smith seems to approve the supposed candour of the Board at Madras, for not entering the Anonymous Petition upon record, and also to approve of their ordering Mr. Cochrane to the Presidency, because the charge was considered to be of a *serious nature*.

If by this it is meant, that the Anonymous Petition was not *verbatim* inserted in the Company's Records, that fact is true; but it is equally true, that on the very first day when that Anonymous Petition was presented to the President and Council, notice was taken of it upon the Company's Records, in a manner fully as prejudicial to Mr. Cochrane, or more so, than if a *verbatim* copy of it had been inserted in the Records; for if a literal copy of it had been there inserted, the absurdity and incredibility of some parts of it, and the facility of detecting the falsehood of other parts, would have afforded some degree of security against the malicious intentions of the whole of it.

But the method which the President and Council at Madras adopted in mentioning this Petition upon their Records, while it kept out of view the circumstances which would have been fatal to the Petition and to the intentions of its authors, had the effect of preserving every

thing that could be pernicious to the person against whom it was directed; for it appears from the Consultation Records at the date of 2d December 1783, that this important business of the Anonymous Petition was with no small degree of pomp and formality announced by the President Lord Macartney; and on the very first day that it was presented by the President to the Board, was entered upon the Records of Consultation in the following manner:

“ 1783, December 2d.

“ At a consultation this day, the President observes to the Board, that as there is now a prospect of peace being speedily and perfectly established with Tippoo Sultan, he begs leave to recommend to their attention, the subject of reletting Nagore and the neighbouring districts, which during the war have unavoidably been but little productive to the Company, &c.”

“ The President acquaints the Board, that yesterday morning the Mayor of Madraspatnam waited upon him, and delivered to him a paper in the Malabar language, addressed to the Mayor's Court. Mr. Webb informed the President, that the paper had been translated by the sworn interpreter of the Court, but had been rejected by them, as containing matter of which they could not take cognizance. Mr. Webb likewise gave the President the translation authenticated by the signature of the interpreter, and upon perusing it his lordship found, that it exhibited *charges of a very serious nature* against Mr. Basil Cochrane at present employed at Nagore. The President further acquaints the Board, that about two hours after Mr. Webb had left him, his lordship received by the Tappies from the southward an Anonymous Letter in the Malabar language addressed to the President and Council, which upon being translated, appears to be exactly or very nearly similar to the above-mentioned letter to the Mayor's Court. The President thinks it his duty to deliver in these papers, for the information of the Board, and leaves it them to decide on the steps that ought to be taken in consequence.”

“ After some deliberation it was resolved, That Mr. Cochrane be directed immediately to proceed to the Presidency with all the accounts of revenue under his management from the time he was first employed at Nagore, that the Board may have the benefit of such
“ information

“ information as he can furnish relative to the situation of the Company’s possessions there; and that the Resident at Tanjore be directed to appoint one of his assistants to act for the Company in the place of Mr. Cochrane, during that gentleman’s absence.”

“ From *delicacy* to Mr. Cochrane’s character, as the Papers before mentioned contain the *most heavy charges* against him, and are not signed by any person, it is agreed not to enter them upon the proceedings until Mr. Cochrane shall arrive here, when the Board will enter into a full and minute investigation of the subject of them, and in the mean time that the Papers be committed to the care of the Secretary.”

The mode which was thus taken of entering upon the Company’s consultation records, the information of charges and imputations against Mr. Cochrane, was perhaps of all others that which was most likely to be prejudicial to him: it was giving a very extraordinary and consequential effect to Anonymous Information, by thus perpetuating on the Company’s records, that charges had been received against Mr. Cochrane, which in one part of the minute are described as of a *very serious nature*, and in another part are stated as *most heavy charges*; and instantly on the very first perusal of that unsigned and unavowed Paper, the President and Council pledge themselves to enter into a *full and minute investigation of the subject of the charges*; and in consequence of that Anonymous Paper, they thought it proper immediately to recal Mr. Cochrane from his station in the Nagore districts, under the assumed pretence of the Board desiring to have the benefit of such information as Mr. Cochrane could furnish relative to the situation of the Company’s possessions at Nagore.

Paragraph Third of the REPORT.

“ *The Order given upon this occasion was worded with great tenderness to Mr. Cochrane, who was not ordered to attend to answer the charge, but was required to come about his accounts, and the transactions of his office.*”

OBSERVATIONS on Paragraph Third of the REPORT.

It may be proper to inquire upon what foundation Mr. Smith has here given it as his own opinion, that *great tenderness* had been shewn by the Board towards Mr. Cochrane; or upon what foundation the Board at Madras can be entitled to the compliment which they paid to themselves on the score of *delicacy*.

Their own Minute indeed of the 2d of December *professes delicacy* to Mr. Cochrane's character as a reason why the Anonymous Papers, *containing the most heavy charges against him*, were not at that time entered on the Proceedings; but this declaration on the face of the Minute is refuted by the Minute itself, which shews that in the same breath they were in fact entering *substantially*, though not *verbatim*, upon the Records of the Proceedings, the existence of *most heavy charges* against Mr. Cochrane, which mode of entry on the Records was, for the reasons already given, better calculated to create prejudices, than if a literal copy of the absurd Anonymous Charges had been there inserted.

As to the *professed delicacy*, it could have no other effect than that of adding greater weight and importance to the charges of which they gave such an *alarming, but unexplained description*, leaving it to the imagination of every reader to apply to that description the most enormous crimes on the part of Mr. Cochrane.

The effect of true delicacy to Mr. Cochrane would have been, that no notice whatever should have been taken upon the Company's Records even of the existence of any charges against him while they were anonymous, and before some person fairly avowed these charges, and stood forth as an accuser. In the mean time, if from the contents of these Anonymous Papers they seemed entitled to any degree of credit, there were many obvious methods by which the Board at Madras might have received competent information to satisfy themselves whether there was any foundation for the charges.

In particular, the most obvious and regular method was, their directing Mr. Sullivan the Resident at Tanjore, and who in that character was Mr. Cochrane's immediate superior, to whom he was accountable in the
first

first instance, to have made a diligent enquiry into the state of the facts, and to have reported to the Board his opinion thereupon.

This very measure was, in the course of the proceedings, proposed by Mr. Dent, one of the Members of Council, as appears by his Minutes; but the President and the other Members did not chuse to adopt his suggestion.

It had been the constant practice for the Government at Madras to disregard Anonymous Accusations, and particularly never to give them any consequence by formally noticing them on their Records. In the present case, they were not only noticed on the Records, but they were assumed by the Board as the foundation of measures taken with regard to Mr. Cochrane, by their giving rise to a resolution for calling him from his station, to which he was never afterwards allowed to return.

So far, as this part of the history goes, it will not be pretended that these measures were the offspring of delicacy towards Mr. Cochrane.

But the circumstance which seems to have attracted Mr. Smith's attention, as a proof of the delicacy or tenderness of the Madras Board, is, that they had made use of *false pretences* for calling Mr. Cochrane to the Presidency. The Remark in his Report is: "That the Order given upon this occasion was worded with *great tenderness* to Mr. Cochrane, who *was not ordered to attend to answer the charge, but was required to come about his accounts and the transactions of his office.*"

True delicacy, or friendly attention to Mr. Cochrane, would naturally have been productive of some degree of intimation to him of the blow that was aimed at his character and conduct by Anonymous Charges, that he might come to the Presidency prepared with proper materials to clear that matter up: but it was a most incomprehensible effect of delicacy and tenderness that could have led the President and Council at Madras, *first* to declare upon the Company's Records, that *most heavy charges*, and of a *very serious nature*, had been made against Mr. Cochrane; and then on the very first day when the Anonymous Paper was read, to enter on the Record a resolution to investigate the business, *but at the same time to conceal from Mr. Cochrane*, the person most interested in this matter, any idea of the charges which had been made against him, and to specify to himself a reason totally different from

from the true one, for his being called to the Presidency. If all this can be reconciled to the description of *delicacy and tenderness*, it must be allowed to be a new mode discovered of reconciling the *advantages of nominal delicacy* with the *inconveniences of real cruelty*.

The fact is, that in consequence of this very mode which was adopted, and to which Mr. Smith has ascribed the merit of tenderness towards Mr. Cochrane, he would have been injured in the most essential manner, if he had trusted solely to the terms of the Order which recalled him to Madras; but fortunately, by the means of a friend there, he got private intelligence of the contents of the Anonymous Petition which had been presented against him, and particularly learnt, that the deaths of two persons therein named and described had been imputed to him: this put him a little on his guard against the designs of his enemies. After much labour bestowed in searches and inquiries, he discovered the Bottique man, who was said to have been flogged by Mr. Cochrane's order, and to have died the third day thereafter. This man he sent in December 1783 with a Letter to Mr. Sullivan, the Resident at Tanjore, as affording the best ocular demonstration of the falsehood of the charges which had been invented against him, and as a specimen of what faith was due to other parts of the charges which had proceeded from the same quarter.

This fortunate discovery of the person with whose death he had been charged, was entirely owing to the accidental intelligence which Mr. Cochrane got of the contents of the Anonymous Petition. The good effects of that private intelligence, and the very pernicious effects which must have attended the disguised pretences under which the public order from the Board recalled Mr. Cochrane from the Nagore districts, was particularly noticed by him in some of the papers, which in the course of the proceedings he afterwards gave in to the President and Council, where he desired them to remark, that if, in consequence of their order, which concealed the true cause of his being sent for to Madras, he had come there, as naturally would have happened, totally unprepared, the certain consequence would have been, that during his absence from Negapatam and the Nagore districts, the same persons who had malevolently charged him with the death of the Bottique man, would have taken care to remove that man out of the way to
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some distant part of the country, so as to put it out of Mr. Cochrane's power to disprove the alleged fact, by producing the very person whom he was reported to have killed by his severity.

This is mentioned by way of illustration of the good effects of that sort of tenderness for which Mr. Smith has thought proper to make an encomium upon the conduct of the President and Council towards Mr. Cochrane.

In short, it is easy to suppose many very serious hardships and disadvantages to which Mr. Cochrane might be exposed from the false pretences specified in the order for his recal; but it exceeds the power of imagination to conceive any one advantage that could accrue to him from his being thus recalled under *false pretences*, and from the concealment of those charges which it was most essentially his interest to be informed of while on the spot where the events were said to have happened, in order that he might come to the Presidency prepared to refute the false accusations.

Paragraph Fourth of the REPORT.

" The order was given early in December 1783, but Mr. Cochrane did not come to Madras till April 14, 1784."

OBSERVATIONS.

Whatever may have been the meaning or intention of this short paragraph, it certainly was not meant to convey any impression favourable to Mr. Cochrane.

An inattentive reader would be apt to conclude from it, that Mr. Smith meant to convey this impression, that Mr. Cochrane being sent for to Madras to answer some charges which had been made against him, had, from a consciousness of not being able to answer these charges, delayed obedience to the order of government from the beginning of December 1783, to the middle of April 1784. But this imputation would not be perfectly consistent with the preceding paragraph in the Report, where Mr. Smith applauds the Board at
Madras

Madras for having concealed from Mr. Cochrane the real cause of their ordering him thither, and for having required him to repair to the Presidency about his accounts and the transactions of his office ; therefore if any blame is imputable to Mr. Cochrane for that delay, it ought to have no manner of connection with the charges which had been made against him in the Anonymous Petition.

While the Board at Madras were so studious to conceal from Mr. Cochrane, that any charges whatever had been made against him, they certainly never could be entitled to ascribe the delay of his arrival at Madras to any cause or motive connected with those unrevealed charges, but from the terms of the order they had issued to him they might naturally presume that the delay was occasioned by the difficulty of getting his accounts and the transactions of his office so completely arranged as to enable Mr. Cochrane sooner to leave his station in the Nagore districts.

The fact is, that the letter which was wrote by Mr. Freeman, Secretary to the Madras Board, to Mr. Cochrane, dated December 6, requiring his presence at Madras, did not reach Mr. Cochrane's hands till the 20th of December 1783.

Dec. 6, 1783.
Secretary
Freeman to
Mr. Coch-
rane, re-
ceived De-
cember 20.

That letter acquainted Mr. Cochrane, " That the President and Council being desirous of obtaining from him every information he might possess relative to the present situation of Nagore and the adjoining districts, it was their pleasure that he should proceed to Madras without delay, and that he should bring with him all his accounts from the time he took charge of his present station."

Mr. Coch-
rane to Mr.
Sullivan,
Dec. 20,
1783.

Upon the 20th of December, the same day on which Mr. Cochrane received the above Letter from Mr. Secretary Freeman, he Mr. Cochrane wrote to Mr. John Sullivan the Resident at Tanjore, his immediate Superior, as follows :

" About an hour ago I was favoured with your Letter of yesterday, likewise the public Letter which I now send you for your perusal, the receipt of which has given me infinite satisfaction, as I shall have it in my power to satisfy the Governor and Council on every point whatsoever, and I shall expect they will do justice to me on Record, when they see the mode I have with steadiness adhered to in collecting the Revenues."

" The sooner you can send one of the gentlemen to relieve me, the better, &c.

" From my present state of health, and the multiplicity of accounts I have to make out to carry with me to Madras, and to leave with you, it will be at least the 15th of January before I can leave this, when I shall come to Tanjore, and from thence proceed to Madras; in the mean time, be assured every diligence shall be used by me."

The contents of the preceding letter proves, that it was the 20th of December before Mr. Cochrane received the order of the Board requiring his attendance at Madras, and it shews the readiness with which he was disposed to obey that Order, so soon as he should be able to finish the multiplicity of accounts which he had to make out, and was required to carry with him to Madras.

He at that time declared to his Superior Mr. Sullivan, that it would be the 15th of January at least before he could leave Negapatam. But he was unavoidably detained there longer than he at first expected, not only for the purpose of finishing his accounts which related to several years collection of a considerable Revenue, but also was obliged to dedicate his time to various other articles of public business, the particulars of which appear from the regular correspondence which passed between him and his immediate Superior Mr. Sullivan, in the period between December 1783 and April 1784; to which Correspondence as well deserving an attentive perusal, the Memorialist begs leave to refer.

Thus detained by public and private business, it was the day of February before Mr. Cochrane left Negapatam, at which time he went from thence to Tanjore in his way to Madras.

While at Tanjore, Mr. Cochrane, on the 22d of March, wrote to Mr. Secretary Freeman, as follows:

" I have the honour to acknowledge the receipt of your Letter of the 16th instant, and agreeable to the Orders of the Right Honourable the President and Council, shall immediately proceed to the Presidency.

" For an explanation of the cause of my being under the disagreeable necessity of remaining so long to the southward, I beg leave to refer the Right Honourable the President and Council to the perusal of my

Mr. Cochrane to Secretary Freeman, March 22, 1784.

" Address to the Resident of Tanjore, which he will no doubt transmit."

Mr. Cochrane's arrival at Madras, April 14, 1784.

Letter from him to the President and Council, April 20, 1784.

On the 14th of April, Mr. Cochrane arrived at Madras; and on the 20th of that month, he addressed a Letter to the President and Council, in the following terms :

" Understanding that the Resident at Tanjore has been very unwell of late, and obliged to proceed to Karrical for the recovery of his health; and conceiving his indisposition has prevented him from forwarding a packet I delivered to him while at Tanjore, containing all the accounts of the Revenues of the Nagore, Negapatam, and Karrical districts, from the 26th of October 1781, to the 31st of January 1784, I beg leave to lay before your Lordship, &c. the original copy of the said packet, &c.

" I have likewise the honour to lay before the Honourable Board, an account of the supplies sent to the Grand Army when laying before Cuddalore, agreeable to Orders, &c.

" Any further information your Lordship, &c. may require on the subject of the Revenues, I shall be happy to give to the best of my power, whenever you will do me the honour to send for me.

" And as I understand attempts have been made to throw an odium on my conduct during my residence at Negapatam, I humbly beg that if any such have appeared before your Lordship and Council, that you will be pleased to appoint a Committee to examine into the whole of my conduct while in charge of those Districts, being ready to confute Reports that may have been spread to my prejudice, with the view of removing me from that charge."

On the 25th of April, Mr. Cochrane wrote a second Letter to the President and Council, transmitting a Letter which he had that day received from Mr. Sullivan, dated Tanjore 21st April 1784, in the following terms :

From Mr. Sullivan to Mr. Cochrane, April 21, 1784.

" I have been favoured with your Letters of the 14th and 16th. As you carried copies of your Letters to me, and all your papers, I thought it best to defer my Public Letter upon the subject of these Districts until I had made some enquiries and observations on the spot: not, you may suppose, to determine me either as to the utility

“ of the plan that has been followed here, or the practicability of extending it throughout all our possessions, for I had the fullest conviction of both ten years ago; *but I wished to give the inhabitants an opportunity of preferring Complaints, if they had any to make either against the mode or the manager. I have real pleasure in telling you, that to this time I have heard nothing expressive of dissatisfaction*; that the inhabitants have confirmed your statement of improvements to be expected from an extended cultivation this year; and that I am not without hope of being able by deduction from the increased Revenues of these Districts, to prove to the Rajah the advantages by substituting such a plan in the place of the oppressive measures now followed by his Tax-gatherers.

“ The excessive heat of the weather, and the very impaired state of my health, will not admit of my writing, as I could wish, to Government upon this subject. If the communication of this letter can appear to you of any use, you have my full consent to do so.”

On the 28th of April 1784, Mr. Sullivan wrote to the President and Council the following letter:

“ The measures which I have been taking for the management of the revenues in the districts of Nagore, Negapatam, and Karrical, have been explained at such length in the letters and papers which Mr. Cochrane informs me he has had the honour of laying before you, that I shall offer you but a few general observations on the subject.

Mr. Sullivan
to the President and
Council,
April 28,
1784.

“ The first, and, I am persuaded, it will not be thought an uninteresting one by the Honourable Board, is, that the long established usages of the country form the basis of the mode of Administration that has been introduced; so that the prejudice of the people insure us their hearty concurrence in the prosecution of it.

“ A circumstance not less important, and equally encouraging, is, that this plan offers immediate encouragement to industry, by promising the landholders relief from the oppressions and vexations which time, and changes of government, have engrafted in their ancient usages; and that at the same time it opens to them the prospect of seeing revived in their favour, a system of Administration, the mildest perhaps that ever was imagined—I mean the system

“ which obtained under the Telingha Government, before it was sub-
 “ verted by the Mahomedans.

“ The success which has already attended our endeavours in these
 “ districts, renders it unnecessary to adduce any argument in recom-
 “ mendation of the mode that has been followed: I will therefore only
 “ add, that long observation, and inquiries made previously to this ex-
 “ periment, have convinced me, that the most important advantages
 “ may be drawn from such a plan carefully attended to; and that, as
 “ the same general usages prevail throughout India, it will be sure to
 “ meet the same predilection on the part of the inhabitants, whenever
 “ it may be introduced.

“ *The detail of it, however tedious in the first instance, has been re-
 “ duced, by the labour and assiduity of Mr. Cochrane, into a form that
 “ may easily be followed; and I cannot too strongly express my obliga-
 “ tions to Mr. Cochrane upon this occasion,—for without his aid and in-
 “ defatigable industry, I could not have effected this.*”

The Memorialist has thought it his duty to bring into view those particulars; and he trusts that they will not be deemed immaterial, nor unconnected with the subject, when the following reasons for thus stating them are attended to.

First, Because it accounts for the delay of Mr. Cochrane's arrival at the Presidency; which delay seems, by Mr. Smith's Report, to have been imputed to him as an article of blame.

Secondly, Because Mr. Sullivan's letter of the 21st April, above recited, shews that, subsequent to the Anonymous Charges against Mr. Cochrane, and subsequent to his departure from Negapatam, Mr. Sullivan, the Resident, had made enquiries and observations on the spot, in relation to Mr. Cochrane's conduct, and had not been able to learn any thing expressive of dissatisfaction amongst the inhabitants; which expressly contradicts the assertions in the Anonymous Paper, the framers of which had falsely assumed the name of the inhabitants in general of Negapatam, and falsely asserted a general dissatisfaction there with Mr. Cochrane's conduct.

Thirdly, Because the whole tenor of the correspondence with Mr. Sullivan, (whereof a part only has been recited as above,) bears the strongest

strongest testimony to Mr. Cochrane's peculiar merit in the management of the Nagore districts, and of the revenues belonging to them; and particularly the concluding paragraph above recited in Mr. Sullivan's public letter of 28th April to the President and Council, does Mr. Cochrane great honour, especially as this testimony proceeded from a gentleman whose character for integrity, ability, and attachment to the interests of the Company are well known, and who, being Resident at Tanjore, with the Nagore districts belonging to his department, had the best access to know Mr. Cochrane's particular merits.

There are two considerations which peculiarly increase the propriety of bringing these things under the view of the Court of Directors at this time: The one is, that where there are such clear and honourable proofs of the merit of a Company's Servant, that circumstance naturally ought to have had a strong effect, not only in preventing the admission of Anonymous Charges against him, but also in securing to him the protection and favour of those in the management of the Company's affairs, so as to dispose them not rashly to give credit to any charges against a faithful and meritorious servant, unless proceeding from avowed accusers, deserving of credit, and supported by strong and conclusive proofs.

The other consideration is, that those very particulars of Mr. Cochrane's conduct which had obtained for him the applause of the Resident of Tanjore, his immediate Superior in office, and the very zealous and faithful attention which Mr. Cochrane in general gave to the interests of the Company, were the very circumstances which produced the malevolence and secret intrigues of some interested persons who wished to get him displaced from his station in the Nagore Districts; for by his zeal and industry in carrying into execution the plans for the improvement of the revenues of those Districts, he acquired the ill-will of certain persons, known by the description of *Renters*, who had derived very great advantages to themselves from the mode in which the lands in these Districts had been farmed out to them, before the mode referred to in Mr. Sullivan's Letter had with Mr. Cochrane's assistance been adopted.

This will serve as a clue to the origin of the complaints against Mr. Cochrane; and Mr. Cochrane was so much convinced of this, that in a
 Paper

Paper to be afterwards noticed, which he gave in to the Board, on the 4th day of August 1784, in answer to Mootiah's Petitions, he expressly declared to the President and Council his firm persuasion and belief that Mootiah's Petition was not of his own penning, but of an associated junto, who had found means to persuade that man to put his name to the Petition, with a view of preventing him Mr. Cochrane from being again employed in carrying into execution the Plan for the improvement of the lands in the Nagore Districts, which Plan he, in that Paper delivered in to the Board, asserted, would in a short time afford " a striking contrast to the *iniquitous system practised by Renters.*"

Paragraph Fifth of the REPORT.

" On the 14th of June 1784 the Governor and Council received two Petitions from Mootiah, complaining of Mr. Cochrane's oppressive conduct, and setting forth the death of Vydenadah his brother-in-law, in consequence of Mr. Cochrane's punishment. The Petitions were sent to Mr. Cochrane, who gave no answer to them till 4th August. Afterwards they were referred to the sitting Magistrate; and there not being evidence at Madras, it was next referred to Mr. Fallofield and the other gentlemen abovementioned, as a Committee to enquire into the facts upon the spot."

OBSERVATIONS on Paragraph Fifth of the REPORT.

From the 2d of December 1783, at which time the Anonymous Petition, bearing date in November 1783, was first presented to the Board at Madras, till the middle of June 1784, no persons had stood forward to avow themselves the Authors of that Paper, or to make any charges against Mr. Cochrane similar to those contained in it, although Mr. Cochrane had in the month of February 1784, left his station in the Nagore Districts.

In the month of June 1784 there appeared two Petitions against Mr. Cochrane, which were signed by one person only, named *Mootiah*; and that person, as will be afterwards more particularly mentioned, was the

the accomplice in the theft committed by his brother-in-law Vydenadah of effects belonging to the East-India Company.

By comparing the contents of Mootiah's Petitions in June 1784 with those of the Anonymous Petition in November 1783, and from other circumstances, it is abundantly evident that both of them proceeded from the same source, viz. from *Mootiah*, either of his own accord, or in consequence of secret intrigues for getting Mr. Cochrane removed from his station at Negapatam.

The concluding part of the Anonymous Petition has already been noticed, where a request was made that another person should be sent to Negapatam in Mr. Cochrane's place; and it was pretended that the inhabitants of Negapatam were frightened from signing their names till another person was sent there.

Upon a similar plan, one of the Petitions signed by this man *Mootiah*, in June 1784, states, that on account of the Reports spread of Mr. Cochrane's being to return to Nagore, to exercise more cruelties, the people were deterred from preferring their complaints against him and his Dubash Rashapah, and the Petitioner prayed the President and Council "to send a circular letter, containing an order to Mr. Taylor, "or any other Gentleman at Negapatam, to *make public that the Honourable Basil Cochrane stands charged with the murder of Vydenadah*, "and that all persons who have any thing to say either for or against "the same, be present by such a day, to give their evidence, as Lord "Macartney, &c. might think proper to appoint, &c."

On the 12th of July 1784, Mr. Cochrane applied to the Board for such Extracts of the Minutes or Records of Consultation as might relate to those or any other complaints given in against him since the 1st of December 1783, and he informed the Board, that he was preparing an answer to the letter from Mr. Secretary Freeman, sent to him on the 17th of June, enclosing the two Petitions of Mootiah above mentioned.

On the 20th of July, the President and Council wrote a letter to Mr. Sullivan, Resident at Tanjore, acquainting him of their having appointed Mr. Fallofield to the situation of Resident at Nagore, with the charge of that district, and of Karrical and Negapatam, and that Mr. Taylor (who upon Mr. Cochrane's recall had been appointed temporary

July 20, 1784.
Mr. Fallo-
field appoint-
ed Resident
at Nagore.

temporary Assistant to the Resident of Tanjore for the Nagore districts) be ordered to deliver over the same to Mr. Fallofield.

Of the same date Secretary Freeman acquainted Mr. Fallofield of the said appointment, and desired him to make an early Report to the Board of the present state and past management of the districts.

Aug. 4, 1784.
Answers by
Mr. Coch-
rane to
Mootiah's
Charges.

Upon the 4th of August, Mr. Cochrane delivered in to the President and Council a very full Answer to the charges contained in the two Petitions which had been signed by Mootiah.

That Answer contains a full and distinct account of Mr. Cochrane's conduct in the Articles imputed to him by Mootiah, it states the ascertained circumstances of Vydenadah's guilt, the particulars of his punishment, and the consequences of it; and in the conclusion of that Paper Mr. Cochrane states his own readiness to be tried in a legal mode for the pretended murder wherewith he stood charged by Mootiah, the accessory of a thief his brother-in-law.

Aug. 8, 1784.
Additional
Answers by
Mr. Coch-
rane.

On the 8th of August, Mr. Cochrane gave in to the Board an additional Paper on the same subject, in which he takes occasion to observe, that the Anonymous Petition against him which had been noticed upon the Consultation Records on the 2d of December 1783, corresponded in general with the Petitions now signed by Mootiah, excepting that the Anonymous Paper imputed to Mr. Cochrane the deaths of two persons, one of whom having since been discovered to be alive, therefore Mootiah in his signed Petition had now taken care to make it relate to the death of one person only.

Mr. Cochrane further took notice, that as the Petitions against him had mentioned his presence at Negapatam as a reason for the truth not being brought forward; and as he, Mr. Cochrane, was now deprived of his situation at Negapatam, by the appointment of a successor, therefore the objection made by Mootiah, or the author of the Anonymous Petition, being now removed, Mr. Cochrane requested the Board to direct public notice to be given by beat of tom tom at Negapatam, for all persons directly or indirectly concerned in the Anonymous Petition, to appear before Mr. Fallofield, and to be sent to Madras to prove what they had there asserted, because those Petitions have had the effect to injure Mr. Cochrane's character and future prospects in life.

Mr.

Mr. Cochrane's Letter of the 8th of August concludes by observing, that if, in consequence of what is above suggested, no person should appear to avow themselves the authors of the Anonymous Charges, the Board he presumes would think it but just that all Minutes acknowledging or alluding to such Anonymous Papers should be erased from the Public Records; and if there were Consultations referring to such Papers, that the Court of Directors should be acquainted with their being removed from the Minutes.

In the month of August 1784, the Papers relating to this business were referred to the acting Justice, in order that he might pursue such means as should appear to him necessary for putting the matter in course to be tried according to law.

Upon the 9th of September, Mr. Sadleir, the acting Justice, reported to the Board as follows, "Independent of the doubts I entertain of the jurisdiction of our Charter, for taking cognizance of criminal offences which might have happened at Negapatam, the vague matter contained in the foregoing Informations does not appear to me to authorize any process against the person of Mr. Cochrane. I have therefore to refer the consideration of the same for the further determination of the Board."

Sept. 9, 1784.
Report by
Mr. Sadleir,
the acting
Justice.

On the 11th of September, there was entered upon Record a Minute of Lord Macartney's, stating that the information taken before Mr. Sadleir seemed not so perfect as the nature of the case would admit; and proposing that Mr. Fallofield, the Resident at Nagore, with Mr. Mitchell and Mr. Taylor, his Assistants, and the Commanding Officer on the spot, might be directed to make a full enquiry into this affair, and to report to the Board the result of it.

Sept. 11,
1784. Lord
Macartney's
Minute.

On the 13th of September, Mr. Cochrane, by letter from Mr. Secretary Freeman, was acquainted, that the Anonymous Petitions were now entered on the Records of Consultation; at the same time Mr. Freeman sent him Copies of these two Anonymous Petitions, and a Copy of the Minute of Consultation of 2d December 1783, relating to them.

Sept. 13,
1784. The
Anonymous
Petition re-
corded.

On the 15th of September the President and Council wrote to Mr. Fallofield Resident at Nagore, acquainting him that he was appointed

Sept. 15,
1784. Refer-
ence to Mr.
Fallofield,
&c. to exa-

mine and Re-
port.

with his two Assistants, and the Commanding Officer of Negapatam, to make the fullest enquiry possible into the Charges exhibited against Mr. Cochrane by Mootiah; and for that purpose they therewith inclosed to him Copies of all the Papers that had been produced to the Board on that subject, together with Copies of the *two Anonymous Petitions* sent in against Mr. Cochrane, in December 1783;—and Mr. Fallofield, with his Assistants, were required to make a clear and full Report to the Board of the result of their enquiries.

Sept. 16,
1784. Mi-
nute of Mr.
Dent one of
the Members
of Council.

At a Meeting of Council, on the 16th of September, Mr. Dent, one of the Members, gave in a Minute on his part, stating the bad consequences of admitting on their Records Petitions until such time as they were fully authenticated; because by so doing they not only recorded a libel, but gave encouragement to a number of others—give encouragement but to *one* (says Mr. Dent) and you will have a thousand. Mr. Dent then adds, “With respect to Mr. Cochrane, I would not be understood by *this* to suppress information; on the contrary, I think we ought to gain the fullest possible, for his and our own satisfaction: Therefore I am of opinion, that as Mr. John Sullivan is here, he should be called on to declare what he knows of the matter; and Ensign Clarke should be ordered to give in his Declaration on oath; and if it then agrees with what Mr. Cochrane says in his Letter, *viz.* That the man was publicly punished for refusing to deliver up the Public Accounts, and that he was publicly buried, I am of opinion that then the Two Anonymous Petitions should be delivered to him; but I recommend that no time be lost.”

Upon the 24th of December, 1784, Mr. Fallofield, &c. made their Report to the Board at Madras of the examinations taken by them at Negapatam, in consequence of the orders they had received for that purpose.

Dec. 30.
1784. Mr.
Cochrane to
the Board.

Upon the 30th of December 1784, Mr. Cochrane wrote to the President and Council as follows:

“It is now upwards of three months since your Lordship, &c. were pleased to send the Papers on the subject of certain charges against me to Nagore, with Directions for the Resident and his Assistants, with the Commanding Officer, to enquire into my conduct whilst Resident at Negapatam, and make their Report accordingly.

“ From a desire that a full and uninterrupted investigation might take place, I have declined attending the same in person, or by any one on my behalf; and hope that by this time the Proceedings are transmitted to the Honourable Board.

“ It being my wish to have the Charges fully examined into, and submitted to the Inquest for the County at the ensuing Sessions, that justice may be done in the fullest extent, I have to request that your Lordship, &c. will be pleased to allow me the perusal of such Proceedings and Examinations, in order to enable me to refute such charges as are falsely alledged against me, and to bring the persons who have made such false charges, with their advisers and abettors, to justice.”

On the 31st of December 1784, Mr. Dent, one of the Members of Council, entered on the Records a Minute, of which the following is an Extract :

Dec. 31,
1784. Mr.
Dent's Second Minute.

Paragraph 18th :—“ Notwithstanding all that has been written and asserted in Europe by theorists, relative to the mildness of the Gentooes and Braminies, it is an indisputable fact to every man who has had any experience in India, that the natives, and particularly those residing at the European settlements, are a most litigious kind of people, and who are ever ready to prefer complaints, whether they have proof or not to support their charge.”

Paragraph 19th :—“ From this reason it has been the invariable practice of former Governors, first to make strict enquiry as to the truth of the complaints, and the character of the complainer; and when they found there were really proper grounds to proceed upon, then, and not before, the petitions were recorded, and justice done the party.”

Paragraph 24th :—“ I take this opportunity of declaring that had it not been for the opinion of the Right Honourable the President, of the necessity there was to make an inquiry into the oppressions said to be committed by that gentleman (the Honourable Mr. Cochrane) *and the strong arguments he (the President) made use of for his being recalled from his station at Nagore*, I never would have given my consent thereto, but moved, that Mr. Sullivan, the Resident at Tanjore, under whom he was appointed an assistant, privately to inquire into

" the matter, and make a public report of the same, if he were convinced there were really just grounds."

Paragraph 25th:—" Considering the established good character of that gentleman (Mr. Cochrane), his rank in this service, and his connections in Europe, likewise the merits he is entitled to from his long and faithful services to the Company, I am of opinion *that the Right Honourable the President should have been the last man to take such an active part against him.*"

The preceding historical account of the proceedings and incidents in the period between the 14th of June and the 31st of December 1784, has been faithfully extracted from materials and papers which either were, or ought to have been under the consideration of Mr. Smith at the time of his making his Report; but as that Report has omitted all or most of the particulars above stated; and instead thereof has summed up the whole of the transactions of that period of above six months in five or six lines, not one word of which contains any circumstance favourable to Mr. Cochrane; on that account it has been judged proper to supply the deficiencies of Mr. Smith's very succinct, and therefore partial Report, by giving the preceding supplemental account, especially as it tends to throw some light upon the complexion of the whole of these proceedings against Mr. Cochrane, and may also account for some inaccuracies in the examinations which were taken at *Negapatam*, where Mr. Cochrane's adversaries enjoyed considerable advantage over him by their personal attendance, while he, from motives of delicacy and a consciousness of innocence, neither repaired to *Negapatam* himself during these examinations, nor employed any agent to appear there on his behalf.

Paragraph Sixth of the REPORT.

" *The substance of the evidence collected by this Committee, was, that Mr. Cochrane having charged Vydenadah with stealing the Company's grain, and concealing accounts, he punished him, and that six days after that punishment, he died.*"

OBSERVATIONS on Paragraph Sixth of the REPORT.

This part of Mr. Smith's Report is so ambiguous in the expression, that it would be difficult to arraign the truth of it, nevertheless it is easy to shew the false impression it conveys. In a matter of this sort, involving a criminal charge, and even the heinous imputations of Cruelty and Murder, it was of the utmost importance to the person accused, and the indispensable duty of the person employed to make a faithful representation of the case, that the Reporter should bring under view every circumstance which could enable the Directors to judge, whether the punishment which had been inflicted by Mr. Cochrane upon his servant Vydenadah, had proceeded from malicious, personal and vindictive motives, or whether it had been occasioned solely by the crimes committed by Vydenadah against the interests of the East India Company, as well as against the trust reposed in him by his Master.

And further, it was the duty of the Reporter to have stated whether that punishment was inflicted privately or publicly, and whether it was persisted in after the object of a public nature which gave rise to the punishment was satisfied.

In the course of the perusal of the papers which were referred to Mr. Smith's consideration, he must have perceived the state of the fact with regard to the crimes committed by Vydenadah, and the proofs of them, and must also have seen that *Mootiab*, Mr. Cochrane's *accuser*, was an accomplice with his brother-in-law, Vydenadah, in the theft and embezzlement of the Company's grain.

It must therefore appear rather extraordinary that Mr. Smith should have satisfied himself with reporting merely that Mr. Cochrane, "having charged Vydenadah with stealing the Company's grain and concealing accounts, punished him, &c."

This mode of reporting not only keeps out of view the precise nature of the crimes whereof Vydenadah had been guilty, aggravated as they were by breach of trust and forgery; but further, the expressions made use of by Mr. Smith in his Report, leave it totally in doubt whether

whether Vydenadah had been guilty *of any crime*, that is to say, whether Mr. Cochrane had *charged* him justly or unjustly; for the Report takes notice only that Mr. Cochrane had *charged* Vydenadah with stealing the Company's grain, and concealing accounts, without specifying any fact, or making use of any expression that could tend to give an idea that the *truth of the charges* which Mr. Cochrane had made against his servant, had been established in the most convincing and satisfactory manner.

As the statement of the particulars of the crimes committed by Vydenadah against the East India Company, and against his Master, with the proofs of them, and the account of the discovery of his guilt, and of Mr. Cochrane's behaviour towards him in consequence of that discovery, would add too much to the length of this paper, the Memorialist begs leave to refer to the full state of that matter contained in the Papers given in by Mr. Cochrane, and which have been transmitted from Madras to the India House.

Account of
Vydenadah's
crimes.

In the mean time it is necessary here briefly to take notice, that Mr. Cochrane in summer 1783, having received the most pressing orders to forward to the army then near Cuddalore all the grain he could possibly procure, he sent several vessels loaded with grain to the coast near Cuddalore, and sent his servant Vydenadah along with them, in order to be a check upon others, for preventing or detecting abuses, and promised him one *per cent.* commission on the amount of cost of provisions sent to camp, provided he discharged his trust faithfully.

The grain thus sent to the army, in summer 1783, was the property of the East India Company; but Vydenadah, under the false pretence that a certain part of it was private property, delivered, out of one vessel, to Captain Hearsey the Military Grain Keeper, a certain quantity of rice and paddy, at a price fixed by himself, and under that false pretence actually received 400 star pagodas, in part payment from Mr. Welsh, the Paymaster.

Out of another vessel he delivered part of the grain at camp, and sent the remainder, being four boat-loads, to Pondicherry, to be delivered there to his brother-in-law *Mootiab*, who went to Pondicherry, by land, accompanied by the master of the vessel, to which place he was followed next day by Vydenadah himself, who in conjunction
with

with Mootiah received the grain in store at Pondicherry, and after paying the Tindal ten pagodas of additional freight, ordered him to return to Karical, with a positive injunction to keep the secret.

On the 27th of September 1783, Vydenadah, after his return to Negapatam, made up the public accounts relating to the grain sent to camp, and gave them in to Mr. Cochrane; in which accounts he charged a deficiency of 16 *per cent.* on some vessels, and only 2 *per cent.* on others. This extraordinary wastage, for which Vydenadah had taken credit in his accounts, joined to some private intelligence of his dishonesty, produced a very diligent enquiry on Mr. Cochrane's part; in the course of which he discovered the whole scene of iniquity and abuse of trust of which his servant had been guilty.

The accounts which Vydenadah had closed and given in on the 27th of September, where he had taken credit for such an extraordinary wastage of grain in some of the vessels, were withdrawn or stolen out of Mr. Cochrane's possession by Vydenadah, in order to prevent their being examined in presence of the Tindals, who had been summoned by Mr. Cochrane to be present at the examination of the public accounts.

To supply the place of these first accounts thus secreted, other false accounts were made out by Vydenadah, by which the supposed deficiencies of grain were more equally divided amongst the different vessels; and on the 15th of October, these second accounts were delivered to Mr. Cochrane, who by this time had every reason to be convinced of Vydenadah's guilt, and told him that he must be under the necessity of confining him in the public cutchery (or prison), until he had an opportunity of confronting him with the Tindals, and until restitution of the four hundred pagodas he had received from Mr. Welsh, the paymaster.

From the 15th October to the 3d of November 1783, Vydenadah was thus confined in the public cutchery.

On the 3d of November 1783, about nine in the morning, two persons, who had given information of the frauds committed by Vydenadah, *viz.* Madana Sahib and Mahomed Tindal, delivered in their declarations in writing on the subject; after which Mr. Cochrane, that same day, sent for Vydenadah, and shewed him these declarations, in presence of the declarants; but he, Vydenadah, denied the charge.

Mr.

General Account of what passed on 3d November 1783.

Mr. Cochrane told him of the proofs he had of his embezzlement of part of the cargoes of grain sent to the army—the early intimation he had received of his intention to make up false accounts—and the reason he had to believe that he, Vydenadah, alone was the person who had carried away the books of the grain accounts, with a view of preventing the detection of his embezzlements.

After reproaching Vydenadah with ingratitude and breach of trust, Mr. Cochrane added, that by carrying away his only books written in English, which had been closed the 27th of September, he, Vydenadah, had subjected his Master to great inconvenience, and prevented him from forwarding his grain accounts to the President and Council at Madras, according to order; and as those second accounts which Vydenadah had given in, were evidently false, Mr. Cochrane assured him that he would forgive every thing that had passed, provided he would return the books, or deliver up the original cadjans, whereby a fair statement of the grain accounts might be made out, and transmitted without loss of time to the Presidency.

Vydenadah, upon this occasion (3d November), positively denied carrying away the books, and denied likewise all knowledge of any other cadjans besides those from which he had made out the second accounts.

Convinced of Vydenadah's guilt, Mr. Cochrane was of opinion that he deserved immediate punishment, as the only means of procuring from him a discovery where the books of accounts were concealed—and as the means of deterring other servants from similar frauds and impositions: However, he first tried every means to induce him to a compliance by persuasion—till at length Vydenadah, having replied in a very insolent manner, Mr. Cochrane was provoked to strike him with his hand, and afterwards with a slight rattan over the shoulders; whereupon he grew more violent, and denied the charges against him in an insulting manner.

Account of
the punish-
ment on 3d
November
1783.

Mr. Cochrane then ordered some Sepoys to beat him with a small rattan at different intervals. Vydenadah still continuing obstinate, Mr. Cochrane, in hopes of inducing him to a discovery by the presence of some of his near relations, sent for his mother and family, and de-
fired

fired the mother to prevail upon him to acknowledge where he had concealed the accounts—which she for some time attempted in vain; but on the punishment recommencing, Vydenadah told Mr. Cochrane that he had not the books to give, but if he would permit him to go to his house, he would bring the original cadjans from which he had made out the first accounts.

Mr. Cochrane told him, that he would send his mother, with the Cutwall and some of his Pallankeen Boys, to bring all chests which contained his accounts or cadjans, that they might be publicly examined; which was accordingly done: and in these chests were found the cadjans or original vouchers from which the first accounts had been made out; and on examination of the cadjans thus discovered, they clearly proved the frauds and abuse of trust whereof Vydenadah had been guilty, and likewise the participation of Mootiah in the guilt of his brother-in-law Vydenadah.

It is clearly proved, and in the most unquestionable manner, that the punishment *ceased* the moment that Vydenadah delivered up the accounts or original cadjans, and that no severity, flogging, or punishment, was ever afterwards exercised upon him.

THE abridged Account which has here been given of the nature of Vydenadah's crimes, and of the circumstances which immediately led to his punishment, as well as of the punishment itself, and of the discovery of the books or original cadjans in consequence thereof, has been taken from papers which must have been under Mr. Smith's consideration, and principally from Ensign Clarke's depositions, and from the Answers which Mr. Cochrane, on the 4th of August 1784, delivered in to the President and Council at Madras, when required to state to them his defence against the charges contained in Mootiah's Petitions.

In the Answers so delivered in to the Madras Board, the facts, with the proofs of them, are stated more at length; but the Memorialist hopes that the abridged Account which he has here given, may be of use for assisting the Court of Directors in forming their opinion of Mr. Cochrane's conduct, and the motives of it, as well as for enabling them to understand and to judge of the effect of the examinations

taken at Negapatam, which are to be more particularly stated in the Observations upon the next (seventh) Paragraph of Mr. Smith's Report.

Without premising some general Account, such as has here been given of the rise, progress, and object of Vydenadah's punishment, it would be impossible indeed, from the very brief Account of the matter given by a few sentences in Mr. Smith's Report, to form any just conception of the nature of the Case, or to understand the nature and tendency of the evidence produced, either at Negapatam or elsewhere, relating to this business.

Paragraph Seventh of the REPORT.

"The witnesses of the punishment say, that Mr. Cochrane first beat the deceased as long as he was able, and then called in four Sepoys, who beat him alternately for four hours together (each as long as he was able), with only small intervals to interrogate him about the supposed robbery and the concealment of accounts: The first part of the punishment was inflicted with rattans upon the back and different parts of the body; during the latter part of the time, he was bamboosed upon the soles of his feet."

OBSERVATIONS upon Paragraph Seventh of the REPORT.

The accuracy and fairness of this summary Account of the punishment of Vydenadah, will best be judged of after perusing the Examinations taken at *Negapatam*, or a faithful state of the result of these Examinations.

For that purpose, the Memorialist has thought it proper to subjoin, in an *Appendix* to this Memorial, an accurate and faithful State of the whole of the Evidence taken at *Negapatam*, on the subject of the punishment and death of Vydenadah; to which State of the Evidence, as well as to the authenticated Copy of the Examinations themselves from whence it is taken, the Memorialist begs leave to request the Attention of the Court of Directors.

From

From the perusal of the Papers thus referred to, it will appear, that the seventh Paragraph of Mr. Smith's Report, which professes in a few words to give the *substance of the proofs taken at Negapatam*, is in fact a most unfaithful Representation of the Case.

In the first part of the Paragraph, Mr. Smith expresses himself thus: "*The witnesses of the punishment say, that Mr. Cochrane first beat the deceased as long as he was able.*"

The Memorialist, from the proof itself, is authorised to say, that *none of the witnesses of the punishment* have either declared or insinuated what is thus ascribed to them by Mr. Smith: It must therefore stand as his own averment, either unsupported by proof, or contrary to proof taken.

The fact is, that though many Persons were produced to the Committee at Negapatam, to be examined on the Part of *Mootiah* the Accuser, some of whom appear to have had abundance of good-will to support his Charges against Mr. Cochrane, and though the Sepoys employed in the punishment of Vydenadah were also examined by that Committee, yet not one of all these witnesses has pretended to say what Mr. Smith has now ventured to report, that *Mr. Cochrane first beat the deceased as long as he was able*: Nay further, it appears from the examination of these witnesses, that *not one of them was present* during that part of the punishment which is said to have been inflicted by Mr. Cochrane himself.

The single circumstance that can give any sort of colour to the assertion made on the part of the Reporter, is perhaps an expression in the declaration of *Gopal Naig*, one of the Sepoys employed for punishing Vydenadah: That man says, that Mr. Cochrane took Vydenadah into his chamber, and beat him; and that, "*after he was tired of beating him*, he ordered three Sepoys and himself, *Gopal Naig*, to come into the said chamber, and gave him a rattan, ordering him to beat Vydenadah therewith." But it turned out on a question put to this Witness by the Committee, that he had not even been present at Mr. Cochrane's beating Vydenadah.

The loose expression made use of by this Sepoy, *Gopal Naig*, who was not present at Mr. Cochrane's beating Vydenadah, can therefore

afford no justification of Mr. Smith's reporting that Mr. Cochrane had beat the deceased *as long as he was able*.

Besides the Examinations at Negapatam, of the Sepoys and of the witnesses produced by *Mootiab*, there was also an Examination there of *Ensign Clarke*, whose attendance had been required by the Committee themselves. This gentleman is the only person of all the witnesses examined at Negapatam, who was present at Mr. Cochrane's beating Vydenadah; and nothing contained in his declaration could authorise the expressions which Mr. Smith has made use of on that subject. The whole of the evidence given by *Ensign Clarke* on this and other points is stated in the Appendix.

The next sentence in Paragraph seventh of Mr. Smith's Report is—
 “ And then he (Mr. Cochrane) called in four Sepoys, who beat him
 “ alternately for *four hours together (each as long as he was able)*, with
 “ only small intervals to interrogate him about the *supposed robbery* and
 “ the concealment of accounts.”

It will appear from the perusal of the proof itself, that Mr. Smith has been guilty of *exaggeration* at least, in this part of his Report. The account he gives of the time employed by the Sepoys in beating Vydenadah, is different from the account given either by the Sepoys themselves or by any of the other persons who were witnesses of the punishment.

The State of the Evidence inserted in the Appendix shews, that when the Sepoys who had inflicted the punishment on Vydenadah were examined at Negapatam, the Committee put to each of them the following Question :

QUESTION—How long did the punishment of Vydenadah last?

To which the following Answers were given by the three Sepoys examined :

ANSWER by Mootal Naig—I think about two hours.

ANSWER by Cundama Naig—I cannot say precisely; two, three, or four hours.

ANSWER by Gopal Naig, upon another Question relating to the number of lashes—I cannot tell; but the Sepoys were from six to ten o'clock in punishing him.

The

The following additional Question was put by the Committee to this last mentioned witness, Gopal Naig:

You say the deceased was beat from six to ten ; during that interval of time, was there no intermission of punishment?

ANSWERED by Gopal Naig—During the time of punishment, whenever Mr. Cochrane questioned Vydenadah concerning his accounts, and he made reply thereto, they *suspended the punishment, sometimes for a quarter, and sometimes for half an hour at a time.*

Without criticising the testimony of this last mentioned witness *Gopal Naig*, who had extended the time of the duration of the punishment beyond that specified by the other witnesses, and supposing the matter were to rest solely on the testimony of these Sepoys who inflicted the punishment; yet their evidence could not support or justify the terms of Mr. Smith's Report.

But still less can they be justified, when the terms of Ensign Clarke's declaration, which was in Mr. Smith's hands, are attended to.

Ensign Clarke, in his declaration, relates a variety of particulars which happened in the course of the morning of the 3d November, antecedent to, and in the intervals of Vydenadah's punishment, and particularly Mr. Cochrane's remonstrances with Vydenadah—his sending for Vydenadah's mother and family—their arrival—and afterwards her being dispatched to Vydenadah's house to bring his chests, boxes, and papers—her return in about a quarter of an hour—the opening of the chests and boxes in Ensign Clarke's presence, and the discovery there of the cadjan accounts, &c.; and then Mr. Clarke adds, "all this happened, as nearly as I can recollect, between the hours of ten and twelve in the forenoon, and one in the afternoon."

The same witness, Ensign Clarke, declares, that Mr. Cochrane often stopped the punishment, to ask Vydenadah for the accounts; so that, taking all circumstances together, the duration of the punishment could not have amounted to any thing like two hours, though Mr. Smith in his Report has chosen to represent, "that four Sepoys had beat Vydenadah alternately *for four hours together, each as long as he was able*, with only small intervals," &c.

As to the circumstance just mentioned of each of the Sepoys beating him *as long as he was able*, that also is another proof of Mr. Smith's tendency

tendency to *exaggeration* in this particular case; for the fact thus asserted by him is not founded in the evidence.

Of this a judgment may be formed by attending to the answers given by the three Sepoys to the following question put to each of them by the Committee, *viz.* "How many lashes did you give Vydenadah during the whole of his punishment?"

To this it was answered by Mootal Naig—"About ten lashes."

Answered by the second Sepoy, Cundamar Naig—"About twenty or thirty."

Answered by the third Sepoy, Gopal Naig—"I cannot tell; but the Sepoys were from six to ten o'clock in punishing him."

The declarations thus given by two of the three Sepoys directly contradict Mr. Smith's Report; for when the one mentions that he gave about ten lashes, and the other that he gave about twenty or thirty, it is totally impossible that Mr. Smith's Report can be true, where he says that each of the Sepoys had beat Vydenadah as long as he was able during the course of four hours.

Mr. Smith may perhaps resort to the singular testimony of Gopal Naig for proving his point; for Gopal Naig has made use of the expression, that after *he was tired* of beating Vydenadah, Mr. Cochrane ordered the rattan to be given to another Sepoy. In answer to which it is to be observed, that even if this could be held as proof that Gopal Naig had beat Vydenadah *as long as he was able*, that would be no proof that the other two Sepoys (one of whom declares he had given only about ten, and the other about twenty or thirty lashes) had beat Vydenadah *as long as they were able*.

But with respect to this man Gopal Naig, there are such palpable inaccuracies, whether intentional or otherwise, in the whole of his testimony, that there can be no reliance on him, where he differs from other witnesses: For, in the *first* place, he alone declares that the beating of Vydenadah by the Sepoys happened in Mr. Cochrane's room, the other two Sepoys declaring that Vydenadah was brought from Mr. Cochrane's to another room, before the beating by the Sepoys commenced.

Secondly, Gopal Naig is the only person who makes the punishment to have commenced at so early an hour as six o'clock in the morning.

Ensign

Ensign Clarke, who was present from the beginning, states the commencement of all the various incidents relating to Vydenadah's punishment to have been at ten o'clock; and there are many circumstances which confirm that particular.

Thirdly, Gopal Naig's declaration, which at first conveyed the idea that he had seen Mr. Cochrane beat Vydenadah till he was tired of beating him, was rendered of no consequence, by his afterwards declaring, in answer to a question put to him by the Committee, that he had not seen Mr. Cochrane himself beat Vydenadah.

Besides the question put by the Committee to the Sepoys concerning the number of lashes given by each, the following question was put by the Committee:

QUESTION—How many lashes do you suppose Vydenadah received altogether?

ANSWERED by Mootal Naig—I did not count the lashes; and cannot tell.

ANSWERED by Cundama Naig—I believe about a hundred lashes.

Gopal Naig does not appear, in the course of his examination, to have specified any number of lashes that was given by himself or others.

From the specimen which has now been given of Mr. Smith's *exaggerated description* of the punishment inflicted either by Mr. Cochrane, or by the Sepoys, it will probably be thought unnecessary to make any further comment on the infidelity of that part of his Report.

Paragraph Eighth of the REPORT.

"One of the witnesses, Ensign Clarke, said, that during the punishment, he (Vydenadah) agreed to deliver up the original cadjans, which were sent for, and delivered accordingly."

OBSERVATIONS on Paragraph Eighth of the REPORT.

If there are some parts of the Report liable to the blame of exaggeration, there are other parts which are certainly very free from that imputation:

imputation : But it has happened unfortunately, that while *exaggeration* has been employed in articles which had the appearance of being *unfavourable* to Mr. Cochrane, the opposite quality of *under-stating* is to be found only in those which might have the appearance of being *favourable* to him.

In the whole course of the Report, Mr. Smith has abstained from giving any precise account of the crimes of a public nature whereof Vydenadah had been guilty, and from connecting these with the punishment publicly inflicted on him by Mr. Cochrane's orders ; he has abstained too from mentioning the urgent necessity there was for Mr. Cochrane's discovering the true accounts relating to the grain sent to the army—which accounts were in the possession of Vydenadah, who, before the punishment commenced, and even during a considerable time after its commencement, obstinately persisted in denying that he had either the accounts in question, or the original cadjans from which they were made out, till, in the course of the punishment, the truth was unwillingly extracted from him, and the original cadjans produced, upon which the punishment immediately ceased.

Mr. Smith has totally omitted to take any notice of that *material circumstance* of the punishment *ceasing* the moment that Vydenadah had acknowledged that he had the original cadjans in his possession, and agreed to deliver them up. This is so *very material*, that it is surprising how it could have escaped Mr. Smith's attention, especially as he must have perceived from thence that it was entirely in Vydenadah's own power, not only to have *abridged the punishment*, but to have *avoided it altogether*, if he had at once agreed to deliver up the accounts or cadjans which he had secreted, and which were so essentially necessary to Mr. Cochrane for making up his public accounts.

In Paragraph seventh, when Mr. Smith had occasion to talk of the robbery committed by Vydenadah, he was pleased to describe it only as the *supposed robbery* ; and in Paragraph eighth, now under consideration, he has described the incidents so very briefly, that no person could be able, from the perusal of Mr. Smith's Report alone, to understand either what was meant by the *original cadjans*, or to perceive what a material circumstance it was in Mr. Cochrane's favour, that these original cadjans had, after the most obstinate

stinate denials on Vydenadah's part, been found in his possession, and delivered up in consequence of the punishment.

Mr. Smith must have had before his eyes Ensign Clarke's examination, at the time when he extracted from it the very few words which he has inserted in Paragraph eighth above recited; but it might have been expected that he should have thought it proper to bring under the view of the Directors, some other parts of Ensign Clarke's testimony, which might have tended to throw additional light on this subject, and to prove, that in the whole matter Mr. Cochrane acted, not from private pique or animosity, but from public motives; particularly the following paragraph in Ensign Clarke's declaration, would have shown that the great object of the punishment was to get possession of the public accounts.

Ensign Clarke's words are:—" Mr. Cochrane often stopped the punishment to ask him for the accounts, which he persisting to know nothing of, at last Mr. Cochrane sent for his mother and family, and desired the mother to persuade him to produce the accounts, which he still persisted to know nothing of; and the punishment had just recommenced, when the mother begged it might be discontinued, which was done," &c.

It would also have been natural to mention, on the subject of the punishment, that the following question had been put to Ensign Clarke by the Committee at Negapatam :

QUESTION—Did the punishment of Vydenadah appear to you at the time so severe as to be likely to occasion his death?

To which Ensign Clarke answered, *It did not.*

Paragraph Ninth of the REPORT.

" *The beginning of January 1785, a Copy of the Proceedings of the Committee was delivered to Mr. Cochrane, and afterwards the witnesses were sent for to Madras; and upon being examined on oath, are said to have confirmed their testimony given at Nagore.*"

OBSERVATIONS ON Paragraph Ninth of the REPORT.

On the 10th of January 1785, Mr. Cochrane was permitted by the Board of Madras to take a Copy of the Proceedings and Report of the Negapatam Committee, for which he had applied to the Board on the 30th of December preceding.

On the 11th of January, Mr. Cochrane wrote a Letter to the President and Council as follows:

Letter from
Mr. Coch-
rane to the
Board, Jan.
11, 1785.

" Having availed myself of your Order of the 10th instant, of per-
" using the Report and Proceedings of the Committee from Negapa-
" tam, and being anxious that no further delay may take place in a
" full investigation of all the Charges against me, I beg leave to re-
" peat my request of the 8th instant, that I may be furnished with
" Copies, or that I may have permission to take from the Records
" Copies of every Petition, Minute of Council, or Letters sent or re-
" ceived on the subject of the Charges against me, with the Orders
" under which the Committee made their enquiries; which, although
" they may be sufficient to induce a minute examination upon oath,
" are not, as I conceive, full enough to put me on my trial agreeable
" to the laws of England, which requires the fullest and best evidence
" of facts the nature of the case will admit.

" The *mother of Vydenadab* the first—the next material witnesses,
" *Vellaroyen* the brother-in-law, *Soabramany Pilla* the doctor, and Ser-
" jeant *Hawkins*, likewise *Mootiab*, who has stood forth as my Accuser
" before the Honourable Board, have neither of them appeared for
" examination;—I therefore request, that *they*, together with the evi-
" dences in the inclosed list, may be immediately ordered to this Pre-
" sidency, that a legal investigation may take place, from the full exa-
" mination of those persons upon their corporal oaths, or in such
" manner as may be deemed most binding upon their consciences, that
" the truth may be brought forth, and justice done accordingly.

" List

" *List of Evidences that Mr. Cochrane thinks are necessary to appear at*
 " *Madras to be examined touching the Charges exhibited on the Record*
 " *of Consultation.*

" *Colundee*, the mother of Vydenadah; *Vellaroyen*, the brother-in-law
 " of Vydenadah; *Soobramany Pilla*, the doctor; *Serjeant Hawkins*, of
 " the 7th battalion of Sepoys; *Mootiah Moodelly*, the accuser; the Cut-
 " wall; the following four Sepoys, Gopal Naig, Mootal Naig, Cun-
 " dama Naig, Cawder Cawn; the four following Pallankeen Boys,
 " Nachiapah, Aya Permaul, Washea, Narrain; Woodundee, Vencata-
 " Suba-Chitty, Shankarapilla, Dossery, Chitty, Armogum, Velliadem,
 " Nagapah Moodelly, Ensign Somers Clarke, Mr. Bantleman, Lubby
 " Tomby and his brother, and Mahomed Tomby and Madana Sahib,
 " inhabitants of Karrical.

(Signed) BASIL COCHRANE."

On the 18th of January the Board wrote to Mr. Fallofield, desiring him to send to the Presidency all the persons named in the list signed by Mr. Cochrane, &c.

On the 29th of January Mr. Cochrane wrote to the President and Council as follows:

" I have to acknowledge the receipt of Mr. Secretary Freeman's
 " Letters of the 16th and 25th instant, in answer to my Letters of the
 " 8th, 11th, and 17th.

" *Mootiah*, *Colundee*, the mother of Vydenadah, and *Vellaroyen*, the
 " brother-in-law to Vydenadah and brother to Mootiah, being arrived
 " at the Presidency, I most earnestly request that the Honourable Board
 " will be pleased to direct that a Bench or Quorum of Justices may
 " meet as soon as possible to swear Mootiah to the truth of the three
 " Petitions he has signed, and now appears upon record against me;
 " also to examine *Colundee*, the mother of Vydenadah, and *Vellaroyen*
 " the brother-in-law, and all such evidences for or against as may be
 " produced, and to adjourn from time to time as they may see
 " proper.

Jan. 29,
 1785, Letter
 from Mr.
 Cochrane to
 the Board.

" My reason is, that my accuser may be fixed to support the Charges
 " he has given in against me ; and that he may have full time to pro-
 " duce every possible evidence ;—therefore the sooner the examination
 " is commenced upon, the better."

Feb. 9. 1785.
 Mr. Coch-
 rane to Se-
 cretary Free-
 man.

On the 9th of February Mr. Cochrane wrote to Mr. Secretary Free-
 man as follows :

" Accompanying this you will receive two Letters to the Right
 " Honourable the President and Council, inclosing two packets to the
 " Court of Directors, of the same tenor and date—one copy of which
 " I request may go a number of the packet by the *Pigot*, now under
 " dispatch—the other to remain as a Record at this Presidency."

The dispatches which Mr. Cochrane sent home by this occasion,
 addressed to the Court of Directors, were prompted by that anxiety and
 solicitude which every man who has any regard to his reputation must
 feel, for justifying his character and conduct to those in whose service
 he is employed ; and in the course of that justification he could not
 avoid expressing his feelings at the degree of consequence which had
 been given to anonymous or vague and ill-founded charges against him,
 and at the delays or hesitation in putting an end to the vexations he
 had met with.

In consequence of those Papers sent in by Mr. Cochrane, the Pre-
 sident, Lord Macartney, upon the 9th of February, drew up a Paper
 of Paragraphs to be sent in circulation to the other Members of Council,
 and proposed to make part of the General Letter from the Board
 to the Court of Directors ; which Paper expressed dissatisfaction
 at the representations which Mr. Cochrane, at the eve of closing
 a packet, had sent to be forwarded to England ; and the general
 turn and complexion of the Paragraphs thus drawn up by the President
 certainly was not conceived favourably for Mr. Cochrane.

The President's proposed Paragraphs to the Court of Directors being
 sent round to the different Members of Council, Mr. Turing, one of
 the Members, gave in a Minute on the 10th of February, containing
 the following objection to part of it, to wit : " I object to the paragraph
 " beginning ' in the mean time,' not thinking it proper or necessary to
 " throw out a general reflection upon the occasion of what from the
 " evidence

Mr. Turing's
 Minute,
 Feb. 10,
 1785.

"evidence adduced can in my opinion only be considered as an *un-
fortunate accident.*"

Upon the same 10th of February 1785, Mr. Dent, one of the Members of Council, gave in a Minute, stating his opinion on the whole matter of the complaints and proceedings against Mr. Cochrane. This Minute of Mr. Dent's will be found to be very material, both on account of the contents of the Minute itself, and because the same Paper shews Lord Macartney's observations upon Mr. Dent's Minute; which observations are placed on the margin of the Minute given in by Mr. Dent, and are signed by Lord Macartney.

Mr. Dent's
Minute,
Feb. 10,
1785.

As Mr. Smith has totally omitted to take any notice of this Minute of Mr. Dent's, or of Lord Macartney's Observations on the margin of it, the Memorialist has thought it proper to insert them completely in the Appendix, especially as Mr. Dent's Minute was sent home, as he himself expresses it, because he thought it highly proper that the East-India Company should be fully acquainted with the different opinions of the Members on the subject of Mr. Cochrane's Case.

On the 11th of February a General Letter was wrote by the Board at Madras to the Court of Directors, in which the paragraphs proposed by Lord Macartney respecting Mr. Cochrane's business were adopted with some few alterations.

On the 17th of February Mr. Cochrane addressed a Letter to the President and Council, repeating his former wish, that a full and legal investigation of his conduct might take place, and that *he was ready to stand his trial on the Charges given in against him* by Mootiah his accuser; and earnestly requesting that the Board would take the necessary steps for *granting him a speedy trial, agreeably to the laws of his country.*

Feb. 17,
1785. Letter
from Mr.
Cochrane to
the Board.

On the 19th of February Secretary Freeman acquainted Mr. Cochrane, by Letter, that agreeably to the desire expressed in Mr. Cochrane's Letter of the 29th January, the Board had resolved to assemble at the Fort House, on Monday the 21st, for the examination, on oath, of the witnesses already arrived at Madras, on the Charges brought against him by Mootiah.

On Monday the 21st of February, Lord Macartney, Alexander Davidson, and James Daniel, Esquires, met and formed themselves into

Meeting of
the Bench of
Justices,
Feb. 21,
1785.

into a Bench of Justices—and on Wednesday the 23d they met again; and so soon as they had finished the swearing of such of the witnesses as had been examined at Negapatam, who were arrived at Madras, and appeared on the part of the prosecution, they adjourned.

On the 28th of February Mr. Cochrane having received no notice of any further Meeting of the Justices to finish the business, wrote the following Letter to Mr. Chase, the Clerk to the Justices :

“ SIR, I shall be obliged to you if you will inform me at what
“ time the Bench of Justices will meet again, to finish the examination
“ of the witnesses, as I am very anxious for the same being com-
“ pleted.”

To which Letter Mr. Cochrane received the following Answer from Mr. Chase, dated 28th February :

“ SIR, I have this instant been favoured with your Letter of this
“ day's date; and, in reply, inform you, I never knew the Justices met
“ for the purpose of examining witnesses on the 21st and 23d instant,
“ —they assembled to swear the evidence whose depositions were
“ taken at Nagore; and I am unacquainted when it is their intention
“ to meet again.”

From the state of the Proceedings of the Bench of Justices, signed by their Clerk, on the 24th of February, it appears that they had confined their functions merely to the swearing of the witnesses whose examinations had been taken by the Committee at Negapatam, upon their declarations, without oath; and it also appears that there had not been any cross-examination of these same witnesses when they thus came to Madras; it further appears that they did not proceed to the examination of any witnesses who had not formerly been examined at Negapatam.

In the close of the Report thus made by the Clerk, it is mentioned that the Bench, on the 23d of February, adjourned *sine die*.

Mr. Cochrane, who had not attended the examination of the witnesses at Negapatam, had flattered himself that when the witnesses were brought to Madras to be examined on oath, he would have been allowed an opportunity of cross-examining those already examined at Negapatam; and likewise an opportunity of examining such other witnesses as had

had knowledge of the matters in question, and who had been sent for to come to Madras for that purpose.

Particularly, he hoped that the Bench of Justices would have thought proper to take the Examination of *Cholundee*, the mother of Vydenadah, and *Vellaroyen*, his brother-in-law, who had both of them particular occasion to know the circumstances of the case.

Mr. Cochrane was the more confirmed in these expectations, because, in his Letter to the Board of the 11th January 1785, both these witnesses had been mentioned as persons necessary to be examined; and their names were inserted in the List of Witnesses which accompanied that Letter,—which List had, by orders from the Board, been forwarded to Mr. Fallofield, with directions to him to give his assistance in forwarding all those witnesses to the Presidency. In consequence whereof the mother and brother-in-law of Vydenadah had actually arrived at Madras; and Mr. Cochrane, by his Letter to the Board, of the 29th January, had notified their arrival, and had earnestly requested that a Bench of Justices might meet as soon as possible to examine the *mother and brother-in-law of Vydenadah*, and all such evidences for or against as might be produced; and to adjourn from time to time as they should see proper.

Mr. Cochrane, however, was never able to prevail upon the Bench of Justices to extend their functions further than to the ascertaining upon oath the examinations which had been previously taken at Negapatam; neither was he able to prevail upon them to meet again in relation to these affairs, after they had, on the 23d of February, adjourned *sine die*.

On the 15th of May 1785 Mr. Cochrane received from Mr. Secretary Freeman the following Letter:

15th May,
1785.
Secretary.
Freeman to
Mr. Coch-
rane.

“ In your Letter, under date the 17th February last, addressed to
“ the Right Honourable the President and Council, you applied to
“ them, in virtue of the 44th Section of the Act of the 24th of his
“ present Majesty, therein quoted, to be brought to a speedy trial,
“ agreeable to the laws of your country, on the Charge exhibited
“ against you by Mootiah.

“ In consequence of your application the Right Honourable the Pre-
“ sident and Council stated a case, *conformable to your situation*, for
“ the

“ the opinion of the Judges of the Supreme Court of Judicature in Bengal. The opinion of the Judges received in reply to the reference made to them, does not admit that a person, in the particular situation in which you stand, can be tried by the Court of Oyer and Terminer at Madras.

“ The Honourable Board therefore now think fit to call upon you, as a Company’s servant, for your defence against the accusations of Mootiah, contained in his Petitions to the Honourable Board, copies of which have already been delivered to you, &c.”

May 2nd,
185.
Mr. Coch-
rane to the
Board.

On the 20th of May Mr. Cochrane, in Answer to Secretary Freeman’s Letter of the 15th, addressed a Letter to the Board, in which, after resuming the contents, Mr. Cochrane’s Letter proceeds thus: “ I most sincerely lament the Supreme Court of Judicature in Bengal are of that opinion, as I have hitherto flattered myself with the pleasing hopes of a public legal trial, whereby I should have it in my power at once to refute the many false charges exhibited against me.”

“ By the third Paragraph of the same Letter, I am informed that the Honourable Board now think fit to call upon me, as a Company’s Servant, for my Defence against the Accusations of Mootiah, contained in his Petitions to the Honourable Board, copies of which have been already delivered to me.

“ In whatsoever character I am called upon to answer before you, either as President and Council, or as a Quorum of Justices, all I have now to desire is a fair open investigation, by allowing to be confronted with my accuser, who, I am humbly of opinion, should be obliged to support his accusations upon oath, and the testimony of the witnesses examined *viva voce* in my presence; and, when the prosecution shall be closed, I may then, as in the case of all regular trials, have the privilege to enter upon my defence.”

When Mr. Cochrane perceived that the President, &c. delayed and hesitated about pronouncing an opinion in his favour, after all the Papers which had been given in, and after all the trouble and anxieties he had suffered in a business where it was impossible to impute to him any malicious intentions, and which, at the most, could never amount to more than an *unfortunate accident*, as it is described by some of the Members of Council themselves, he was advised to make his Defence

as complete as possible, without confining himself to the testimony of any one witness; the plan recommended to him was to insist on the examinations of the several witnesses who had the best access to know the particulars of what had passed. With this view it was that he had so earnestly requested the immediate examination of the mother and brother-in-law of Vydenadah, who had been sent to Madras for that purpose at Mr. Cochrane's desire, though Mootiah, the accuser, had not thought proper to produce them for examination at Negapatam.

With the same view he was anxious for the examination of *Soobramany Pilla*, the black doctor, who had attended Vydenadah after the punishment; and accordingly Mr. Cochrane had particularly mentioned him in the List of Witnesses which accompanied his Letter to the Board of the 11th of January. But Mr. Cochrane had no idea, that while he was thus shewing every desire on his part to have these material witnesses examined, the dispatches which had been sent home had abstained from doing him justice in that respect, and that impressions could be conveyed, tending to make it believed that the black doctor, who was not examined at Negapatam, had been secreted for answering some particular purpose.

The more particular discussion of what relates to Soobramany Pilla, the black doctor, is reserved for the Observations upon the next Paragraph of Mr. Smith's Report.

Paragraph Tenth of the REPORT.

"The deceased, during his illness, was attended by a black doctor, whose evidence therefore must be material as to the fact, whether the death happened in consequence of the punishment; but although inquiry was made after him, this doctor could not be found, either at the time the Committee was sitting at Nagore, or when the witnesses were afterwards sent to Madras. It seems, however, that he has since been found, and brought to Madras; and Mr. Cochrane says, the doctor was never absent from his house, and that no proper search had been made for him. This man arrived at Madras before 27th May 1785; but it does not appear that he had been examined, or that any defence had been made so late as the end of October following."

OBSERVATIONS on Paragraph Tenth of the REPORT.

In a Paper which, on the 9th of February 1785, was drawn up by the President, Lord Macartney, in order to make part of the General Letter dispatched about that time to the Court of Directors, there was the following paragraph: " But *Soobramany Pilla* the black doctor, " who attended Vydenadah in Mr. Cochrane's house after his punishment, previous to his death, and who seems to be *the most material witness*, is not come (to Madras), nor is he to be found at present, " no more than when examination took place before Mr. Fallofield."

In the precise same terms this observation of the President's respecting the black doctor is entered upon the Consultation Records on the 10th of February 1785; and in Secretary Freeman's Detail of the Proceedings, the same words and observation, with very little variation, are repeated.

In Lord Macartney's Marginal Observations on Mr. Dent's Minute of 10th February, 1785, before mentioned, there are the following expressions: " The black doctor *who has absconded*, or who is not to " be found, *Soobramany Pilla*, would be a *material witness*, as he " attended the deceased."

Mr. Cochrane, after Lord Macartney left Madras, had access to the Records, by order of the succeeding Governor and Council, for all articles relating to himself; and by that means learnt in what manner the Consultation Records, Mr. Freeman's Detail of Proceedings, and other Papers, had represented the matter relating to the black doctor. Mr. Cochrane soon perceived the suspicions which from thence might possibly be entertained of his having some concern in the *secreting* of that man represented to be the *most material witness*, especially as no notice had been taken in these Paragraphs of Mr. Cochrane's having, in the preceding month of January, specified the black doctor as one of the witnesses whom he desired to be brought to Madras for the purpose of examination; which was mentioned both in his Letter of the 11th of January, and in the List of Witnesses which accompanied it. Mr. Cochrane took occasion therefore to write the following Letter to Mr. Fallofield, the Resident at Nagore, on the 25th of October 1785:

" Having

" Having, since the departure of the Right Honourable Lord
 " Macartney, been permitted to have access to the Records—to my
 " astonishment I have found, that in a Detail of the Proceedings
 " against me, drawn up by Mr. Secretary Freeman, dated the 27th
 " May 1785, and transmitted to the Court of Directors, *unknown to*
 " *me*, by the Glatton Indiaman, the strongest marked insinuations are
 " thrown out, that *Soobramany Pilla the doctor* was secreted by me,
 " and without his evidence the Board could come to no decision on
 " the validity of the Charges against me.

Mr. Coch-
 rane to Mr.
 Fallofield,
 25th October
 1785.

" Such unmerited and groundless insinuations, which may serve a
 " temporary purpose of injuring me in the good opinion of my Ho-
 " nourable Employers, would at once have been refuted, had you in
 " your Letter of the 12th of March transmitted to the Board Copy of my
 " Letter to you of the 2d of the same month, and done me the justice
 " to say, " That owing to my *hircarah* pointing out where the doctor
 " lived, you was enabled to send for and forward him to the Presi-
 " dency, remarking at the same time, that he was never absent from
 " his home (being within the districts of Nagore), nor had he any idea
 " of secreting himself; and owing to the neglect of the people employed
 " by you, the necessary inquiry was not made after him, otherwise he
 " would have been found at his usual abode."

" As I am now busy drawing up an Answer to the above-mentioned
 " partial Detail, I am to request you will favour me with a Reply to
 " this Letter, setting forth the real truth of the matter, which I mean
 " to enter opposite to that part that touches upon the subject of Soobra-
 " many Pilla's absence.

" This I do in candour towards you, and in order to save me the dis-
 " agreeable alternative of making comments upon the subject.

" As I am convinced, that had you the most distant idea of the use
 " that has been made by Lord Macartney of your *not* informing the
 " Honourable Board that the doctor was found at his usual abode, *by*
 " *the assistance of my hircarah*, you would have taken the earliest occa-
 " sion of undeceiving them; I therefore shall say nothing further on
 " the subject, than to assure you that I have the honour," &c.

ANSWER from Mr. FALLOFIELD to Mr. COCHRANE.

Nagore, 31st October 1785.

" I have the honour to acknowledge the receipt of your letter of
 " the 25th instant.

“ I can assure you, the Gentlemen of the Committee at Negapatam, most of whom were newly arrived, used their utmost endeavours to find Soobramany Pilla the doctor, and the Cutwall, who was considered as the fittest person to be employed, was repeatedly enjoined to make the most diligent search after him, but no tidings were however received of him *until your hircarah delivered me your Letter of 2d March last, pointing out the place of his abode.* I lost no time in sending for him, and to the best of my remembrance he informed me, *he had not concealed himself, but remained always in one of the villages of the Nagore districts, a few miles from Negapatam, the same wherein he was then found.*”

The above correspondence between Mr. Cochrane and Mr. Fallofield was under Mr. Smith's view at the time of making his Report.

The fact is, that Soobramany Pilla lived at the village of Kadumbravankly in the district belonging to the Nagore Mosque, about five miles from Nagore; and at the very time when the Committee at Negapatam was employed in taking the examinations in October, November, and December 1784, this man was at his usual place of residence.

If Mootiah the accuser had not been conscious, that the facts known to Soobramany Pilla were not favourable to his wishes, there can be no doubt that he could easily have found out the black doctor's place of residence, and brought him to Negapatam, with the assistance of Mr. Fallofield the Resident, who gave his aid for bringing there every witness that was suggested to be material; and in that way many witnesses were examined at Negapatam on the part of Mootiah the accuser, who abstained however from producing for examination, either the black doctor, or the mother and brother-in-law of Vydenadah.

It has been before observed, that Mr. Cochrane did not attend the examinations at Negapatam, either by himself or by any agent of his, in order that the inquiry might have its free course; and accordingly there were not any witnesses produced there on his part, or at his instigation. But when Mr. Cochrane learnt that neither Soobramany Pilla the black doctor, nor Vydenadah's mother or his brother-in-law Vellaroyen, nor Serjeant Hawkins, had been examined at Negapatam, he took the first opportunity of pointing out these omissions to the President and Council by a Letter, which he addressed to them on the 11th of January 1785, the very day after they had given him

com-

communication of the examinations taken at Negapatam; and in that same Letter he requested that these four witnesses specifically named, together with several other witnesses mentioned in a list which accompanied his letter, might be immediately ordered to the Presidency for examination upon oath. In consequence of this application made by Mr. Cochrane, an order was issued to Mr. Fallofield to send all these witnesses to Madras.

In the month of February 1785, Mr. Fallofield wrote to Secretary Freeman, saying, that it had not been in his power to obtain any tidings of Soobramany Pilla the black doctor; and upon this being communicated to Mr. Cochrane, he, upon the 2d of March 1785, wrote to Mr. Fallofield, expressing his concern that the black doctor had not been found out and examined, and acquainting him of the village where he lived, about five miles from Nagore: Mr. Cochrane further added, that he had ordered his hircarah to wait on Mr. Fallofield, to point out Soobramany Pilla's house.

On the 6th of March 1785, Mr. Fallofield wrote in answer to Mr. Cochrane as follows:

“ I was yesterday favoured with your Letter of the 2d instant; and
 “ this morning I saw your hircarah, who, with the cutwall and others,
 “ is gone in quest of Soobramany Pilla the doctor. If he can be found,
 “ I shall immediately send him to the Presidency, agreeable to the
 “ Board's orders.”

The doctor was accordingly found at his usual place of residence, where he and his family had long resided. He went to Negapatam the very day he received the message from Mr. Fallofield; and in a few days set out for Madras, where he arrived upon the 22d of March,

Before his arrival at Madras, the Bench of Justices had declined examining any witnesses but those who had been originally examined at Negapatam; and, as has been already observed, had adjourned *sine die*. And as Mr. Cochrane's repeated request for a regular trial had not been granted, he was for some time at a loss how to avail himself of the testimony of Soobramany Pilla, and other witnesses who had been brought to Madras for examination. Mr. Cochrane was at length advised to desire the witnesses to appear before a Justice, to declare upon oath every thing they knew in relation to the punishment or death

of

of Vydenadah: Accordingly, *Soobramany Pilla* appeared before Mr. Daniel, one of the Justices, and also one of the Members of the Madras Council, and delivered in his declaration upon oath on the 12th of July 1785; an authenticated copy of which deposition was sent over here by Mr. Cochrane, and delivered in to the Court of Directors on the 26th of April last.

The whole of that deposition is inserted in the Appendix to which reference is here made. But the Memorialist, in his Observations upon the twelfth Paragraph of Mr. Smith's Report, will take occasion to point out more precisely some of the material particulars contained in the deposition of *Soobramany Pilla*.

Paragraph Eleventh of the REPORT.

" Mr. Cochrane imputes harshness and improper conduct towards him by the Governor and Council—for which I cannot say that I see the least foundation; but on the contrary, has very greatly delayed the investigation of this transaction, and generally sent in long letters and papers (calculated solely for delay) at the last moment of a dispatch."

OBSERVATIONS on Paragraph Eleventh of the REPORT.

After so many proofs of inaccuracy in Mr. Smith's Report, it may be permitted to doubt at least of the justness of the foundations on which he has ventured to give such a positive opinion upon the particulars alluded to in the preceding Paragraph.

The first part of the Paragraph is an opinion upon the propriety of all the proceedings against Mr. Cochrane; and the second part contains Mr. Smith's condemnation of him, as guilty of great delays in the investigation of the business.

None but those who have carefully examined all the proceedings in this extraordinary business from first to last, and who have attentively perused the *very voluminous collection of Papers* to which it has given rise, can be *qualified* to give so decided an opinion as Mr. Smith has thought proper to give in this part of his Report. Whether Mr. Smith

has

Has given sufficient indications of his being *so qualified*, must be left to others to judge. The Memorialist means no reflection upon the abilities of the Reporter—these are generally allowed; but there are other qualities besides abilities which are requisite in a business of very great extent, and where much labour, industry, and faithful attention are indispensably necessary.

Mr. Smith says, *that he does not see the least foundation* for Mr. Cochrane imputing harshness and improper conduct towards him by the Governor and Council. In examining this matter accurately, it would be necessary, in the first place, to enquire whether there really existed any foundations for Mr. Cochrane's imputations and suspicions; and, in the next place, whether these foundations, supposing them to exist, were perceived or not by Mr. Smith the Reporter. As to the last of these two points, the Memorialist finds himself disposed for once to concur entirely with Mr. Smith, that *he did not see* any foundations for Mr. Cochrane's suspicions; but the question still remains, whether he might not have seen them, if he had bestowed any manner of pains to look for them before framing his Report.

With regard to Mr. Cochrane's ideas of the conduct of the President, Lord Macartney, and Council towards him, that is a point which, from many peculiar circumstances, is of so very delicate a nature, that the Memorialist may, without any prejudice to his Brother's Cause, be allowed to avoid entering into any minute disquisition upon it; but as Mr. Smith has given a very positive and unqualified opinion upon this point, it would not be quite proper to pass it over altogether unnoticed.

There are two things which it would be in vain to disguise; the one is, that Mr. Cochrane, after so many years faithful and acknowledged exertions in the Service of the East India Company, feeling a consciousness of the character he had acquired, as well as of his innocence in the articles maliciously imputed to him, did think that he was harshly and hardly dealt with, by the reception given by the President, Lord Macartney, &c. to Anonymous Charges brought against him, contrary to the practice which had usually been observed by the Madras Government with regard even to the most indifferent Company's Servants.

The other particular which it would be in vain to disguise, is, that though Mr. Cochrane's complaints of hardships sustained, might *nominally*

nally be applied both to the President and to the Council, yet in fact he considered the persecution which he suffered, as proceeding principally, if not solely from the person who was at the head of that Council, and who in that elevated situation had the chief sway in all matters of public or private concern.

The Memorialist abstains from stating any opinion of his own, either in confirmation of his Brother's impressions, or in opposition to them ; if it should be a matter of any importance to form an accurate opinion on that subject, the best mode of acquiring it, will be, by a careful attention to the rise and progress of this business from the day when the Anonymous Petitions were first presented by the President, in December 1783, down to the date of his last dispatches from Madras by the Glatton Indiaman in May 1785.

But as the terms of Paragraph eleventh of Mr. Smith's Report, so positively exclude the supposition of *any harshness* towards Mr. Cochrane from any part of the Madras Council, it would be doing injustice to Mr. Cochrane, and affording too much credit to that Paragraph of the Report, if the Memorialist were to omit this opportunity of bringing into view the terms of the several Minutes entered upon the Madras Records by Mr. Dent one of the Members of Council, and particularly his Minute of the 31st December 1784, where, after stating that it was owing to the opinion given, and to the arguments used by the President Lord Macartney, that Mr. Cochrane had, upon the first appearance of the Anonymous Petitions, been recalled from his station at Nagore, Mr. Dent concludes his Minute in the following terms :

“ Considering the established good character of that gentleman
 “ (Mr. Cochrane), his rank in this service, and his connections in
 “ Europe, likewise the merits he is entitled to from his long and faithful services to the Company, I am of opinion, that the Right Honourable the President should have been the last man to take *such an*
 “ *active part against him.*”

The preceding Minute of Mr. Dent, one of the Council at Madras, who of course had occasion to be present at the deliberations of the other Members of Council, shews at least that those who had occasion to be acquainted with the *interior* of the business at Madras, did not coincide entirely in opinion with the Company's Solicitor sitting in his chambers

chambers in London, and looking only at the *exterior* of those heaps of Papers which had been sent from Madras about this same business.

It is more than probable that Mr. Smith had never read the preceding Minute of Mr. Dent and his other Minutes upon the same subject; and if the day should ever come, that Mr. Smith has leisure and disposition to read the volumes of papers in this business, the Memorialist is persuaded that Mr. Smith will find reason for altering his opinion upon this and upon other parts of his Report, and that he may possibly think himself indebted to the Memorialist for the assistance which a paper formed after much labour and industry bestowed in the perusal and arrangement of the whole mass, may happen to afford him.

The Memorialist will not suffer himself to call in question the purity of the motives which influenced Lord Macartney to take such an active part against his brother Mr. Cochrane; neither would he think it proper to state even a conjecture with regard to the reasons which induced Mr. Dent to think that there were peculiar objections against the President's taking that active part against Mr. Cochrane: It is sufficient for the present purpose of opposing the very decided opinion given by Mr. Smith, that an appeal can be made to a Minute entered upon Record by one of the Members of Council, from which the fact is ascertained, that Lord Macartney did take *an active part against Mr. Cochrane*, and to such a degree, that it had produced some strictures upon it from one of the Members of his Council.

If Mr. Smith had taken the trouble to peruse a subsequent Minute of Mr. Dent's, entered upon the Consultation Records at the date of the 10th of February 1785, he would there have found a direct contradiction to what he has affirmed to the Court of Directors, where he reports, that there is not the *least foundation* for imputing *barbness* towards Mr. Cochrane in the Proceedings by the Governor and Council. The concluding Paragraph of Mr. Dent's Minute of the 10th of February 1785, is in these words:

“ Therefore, from the foregoing circumstances, I think the latter
 “ part of the Note to the Honourable Court now proposed, is not applicable, and seems *too harsh upon Mr. Cochrane*, who appears to
 “ have done all in his power to promote the enquiry—and have only
 “ to add, that as it is highly proper the Company should be fully
 H “ acquainted

" acquainted with the different opinions of the Members on this subject, I am to request that this opinion may go home a Number in the Packet with the rest of the Proceedings."

That the import of the above Paragraph of Mr. Dent's Minute may be rightly understood, it is proper to observe, that the Note to which he alludes, and which produced his commentary of too *much harshness* against Mr. Cochrane, was a Note which had been framed by the President, Lord Macartney, in order to make part of the General Letter then proposed to be sent from the Board at Madras to the Court of Directors, and which had been sent in circulation to the different Members of the Board for their approbation.

The last part of Paragraph eleventh of Mr. Smith's Report, contains a very decided opinion against Mr. Cochrane, imputing to him *great delays* in the investigation of this transaction.

By the charge contained in this part of the Paragraph, Mr. Smith has afforded the most conclusive proof against himself, that he either never has read, or never read with attention the various proceedings in this business; and Mr. Smith will have the mortification to find, that in imputing to Mr. Cochrane delays in the investigation of the business, his opinion is destitute of support from any quarter, for it will be found, that on this point Lord Macartney has given an opinion totally opposite to that of Mr. Smith.

It is impossible, indeed, to read the whole history of the proceedings from first to last, without being impressed with the strongest conviction of Mr. Cochrane's earnest solicitude and indefatigable exertions for promoting the most speedy and effectual enquiry into the truth of the charges against him, and for adopting every mode of trial which in its consequences might produce either a sentence of condemnation or a sentence of acquittal.

The length of this Memorial has been considerably increased even by the brief statement of the various proceedings; but one material object of that statement, was, that the Court of Directors might perceive from thence the unwearied efforts Mr. Cochrane has employed for pushing on an enquiry into the merits of the case, and for avoiding every delay that could prevent or obstruct that enquiry, and it was judged the more proper, that this Memorial should contain that history

of the proceedings, because it would afford the best refutation of that Paragraph of Mr. Smith's Report, where he has, in direct opposition to the most convincing proofs, arraigned Mr. Cochrane of wilfully delaying the investigation of the Charges against him.

To compleat the refutation of Mr. Smith's assertion concerning Mr. Cochrane's supposed delays, it is only necessary here to add the opinions of Lord Macartney the President, and of Mr. Dent one of the Members of Council on that subject.

In Mr. Dent's Minute of the 10th of February 1785 before mentioned, and which he requested to be sent home to the Court of Directors, there is the following Paragraph:

" Mr. Cochrane appears to have done all in his power to promote the inquiry." Opposite to that part of Mr. Dent's Minute, Lord Macartney has on the margin wrote and signed, as follows: "*Mr. Cochrane certainly has been very active and desirous to bring this matter to an investigation, and the Board has certainly aided him in doing so, by performing their duty.*"

Paragraph Twelfth of the REPORT.

" *Upon the whole, the circumstances of the case, furnish very strong suspicion that the death of Vydenadab was occasioned by the severity of the punishment inflicted on him.*"

OBSERVATIONS on Paragraph Twelfth of the REPORT.

The Memorialist cannot help wishing, that Mr. Smith, instead of resting the matter on his own opinion or assertion, had pointed out by what particular witnesses or in what particular part of the proofs taken, he has discovered sufficient authority for the preceding Paragraph in the Report.

To any person wishing to make a faithful and accurate Report of the circumstances of the case, it would be a much more easy, and one would think a much more agreeable task, to point out the proofs which

shew that the death of Vydenadah was not occasioned by the punishment, than to find out in this case any solid proofs of an opposite tendency.

As Mr. Smith has permitted himself totally to keep out of the view of the Directors *every circumstance of proof* that could tend to shew that Vydenadah's death had *not* been occasioned by the punishment inflicted on him, the Memorialist finds himself under the necessity of supplying Mr. Smith's omissions, by stating some of the material articles of proof on this head.

At the examination of Ensign Clarke, who was present during the whole course of Vydenadah's punishment from first to last, the following question was put to him by the Committee at Negapatam.

QUESTION—Did the punishment of Vydenadah appear to you at the time, so severe as to be likely to occasion his death?

To which question, Ensign Clarke made the following positive answer—" *It did not.*"

One of the witnesses produced to the Negapatam Committee by *Mootiah* the accuser of Mr. Cochrane, was *Woodendee*, and this witness who appears to have been very much connected with *Vydenadah*, declared upon his examination, that he went to visit Vydenadah on the *third day* after he had been punished, and that four or five days afterwards, being told that Vydenadah was dead, and carried to his house, he went there and saw the body, and accompanied the corpse to the burying place. The following Questions were put to this witness by the Committee at Negapatam.

QUESTION—Did you at the time you saw Vydenadah suppose his life was in danger?

ANSWERED by Woodendee—*No such thought struck me!*

QUESTION—Did Vydenadah, when you saw him, express any apprehension that he should die?

ANSWERED—*No.*

QUESTION—Did you see the corpse of Vydenadah at his mother's house?

ANSWERED—*Yes.*

QUESTION—Were there any wounds upon the body of Vydenadah likely to have produced his death?

ANSWERED—The thought did not occur to me at the time, and the body was laid on the back.

Shankarapilla

Shankarapilla another witness produced by *Mootiah* the accuser, was asked by the Committee at Negapatam—Did Vydenadah's punishment appear to be severe?—To which question the witness's answer was—“ *I cannot say.*”

On this part of the subject, there is an obvious remark, which will not escape the attention of the Honourable Court of Directors: The remark is this, That if it had been a true fact, or if a general opinion had prevailed in that part of the country where Vydenadah was punished and died, that his death had been occasioned by his punishment, there would have been no difficulty in finding a great number of witnesses, who would have proved that fact to the Committee at Negapatam, which was kept open for near three months for the purpose of examining witnesses in relation to the charges against Mr. Cochrane. The deficiency of proof on this point, is therefore a very strong argument in favour of Mr. Cochrane, that the death was not occasioned by the punishment, especially considering the industry that was exerted by *Mootiah the Accuser*, in collecting all manner of evidence that could tend to support the Charges against Mr. Cochrane, and the advantage *Mootiah* had by personally attending the examinations at Negapatam, while Mr. Cochrane neither went there himself, nor employed any agent to appear for him; so that there was not even any cross-examination of *Mootiah's* witnesses on the part of Mr. Cochrane—and yet, from what has been above stated it appears, that the answers received even from one of *Mootiah's* witnesses, *Woodendee*, upon questions put to him by the Committee, give no reason to presume that the death was occasioned by the punishment, but operate directly in favour of the opposite opinion.

The evidence which the Memorialist is now to take notice of, confirms the testimonies above stated, and will serve to render this matter still more clear.

It has been already mentioned in the Observations upon Paragraph 10th, that Mr. Cochrane found himself under the necessity of taking the depositions or affidavits of certain persons at Madras, after the Bench of Justices had declined examining any witnesses, other than those who had been examined at Negapatam.

Among the witnesses thus examined upon oath, there were *Soobramany Pilla* the black doctor, Mr. *Crawford* sub-assistant to the hospital
at

at Madras, and *Serjeant Hawkins*. The whole of the depositions of these three persons are inserted in the Appendix; but it is thought proper to take notice, in this place, of some of the material particulars contained in these depositions.

In *Soobramany Pilla's* deposition, there are the following particulars:

First, That the deponent was not present at the punishment of *Vydenadah* on the 3d of November 1783, and did not arrive at *Negapatam* till the third day thereafter; on the evening of which day, he ordered some physic for *Vydenadah*, and attended him thereafter till the time of his death, which happened on the 9th November, in the evening.

Secondly, He has deposed that during the time of his attendance on the said *Vydenadah*, neither the said *Vydenadah*, nor his mother *Colundee* nor any other people who were always present and attending upon him, ever complained of any ill treatment from Mr. Cochrane, or imputed his sickness to any other cause than that of a sickness in his belly, by being bound with stoppage of urine, and a difficulty of breathing, with feverish complaints.

Thirdly, That before his first interview with *Colundee*, the mother of *Vydenadah*, he the deponent had heard of *Vydenadah's* having been publicly punished by order of Mr. Cochrane, which was the reason of his prescribing the decoction of bamboo leaves and the other articles which he prescribed on the 7th of November, being the usual purge given to people that had been flogged; but on being informed, on the 8th of November, that no blood had passed by stool, he this deponent prescribed other medicines on account of the *fever, windiness, and shortness of breathing*.

Mr. *Crawford*, assistant-surgeon to the hospital at Fort St. George, deposes, " That some time in the month of December 1782, while he " was residing in the hospital at *Negapatam*, one *Vydenadah*, conicoply, " or writer to the Honourable Basil Cochrane, called upon this deponent by desire of Doctor Falconer, and requested medicines of this " deponent to cure a flux, which he, the said *Vydenadah*, said he was " afflicted with: This deponent saith, That on examining the said " *Vydenadah*, this deponent found that he *Vydenadah* had an *obstruction in his liver*, for which this deponent gave *Vydenadah* medicines:

" This

" This deponent further saith, That having been ordered to Tanjore
 " with the sick and wounded, he was not able to effect the cure : This
 " deponent saith, That about the 7th or 8th of November 1783, he
 " arrived at Negapatam, and remained there two days with Serjeant
 " Hawkins, belonging to a Company of the Seventh Carnatic Battalion
 " of Sepoys, then stationed at Negapatam, under the command of
 " Ensign Clarke, who resided in a room in the cutchery, adjoining to
 " the house Mr. Cochrane lived in : This deponent further saith, That
 " coming into the cutchery, and passing by a room, the door of
 " which opens into the cutchery, and was then open, he this depo-
 " nent was called into the room by the name of " Doctor ; " upon
 " which this deponent answered, and went into the room, where he this
 " deponent found the aforesaid Vydenadah, conicoply of Mr. Cochrane,
 " who told this deponent that he had been lingering with the afore-
 " mentioned disorder ever since the deponent's departure from Ne-
 " gapatam ; that he never found any remedy for it, and thought he
 " should soon die : This deponent saith, That he examined the said
 " Vydenadah, and found *he had the same obstruction as he had before,*
 " when this deponent left him, accompanied with a great difficulty in
 " breathing and fever, the same as in the case of a man that is attacked
 " with the liver complaint : This deponent saith, That he informed
 " Vydenadah he had no medicines with him, and was thereby pre-
 " vented from rendering him any assistance : This deponent then left
 " the said Vydenadah, and went to the adjoining room, where Ser-
 " jeant Hawkins was, whom this deponent made acquainted with the
 " dangerous case of Vydenadah ! "

Serjeant Hawkins of the seventh Madras Battalion, in his deposition
 taken before Alexander Davidson, Esq. upon the 9th of April 1785,
 deposed, " That about the 7th or 8th November 1783, one William-
 " Henry-Robert Crawford, sub-assistant Surgeon, arrived at Negapatam
 " from Tanjore, and remained with him in his room in the cutchery for
 " two days, when he proceeded to Tranquebar on his way to Madras :
 " That during his stay at Negapatam, he informed this informant, that
 " he had visited Vydenadah Mr. Cochrane's servant, in the adjoining
 " room, and found him very ill, adding, that he was an old patient of
 " his, and would certainly die."

In the same deposition of Serjeant Hawkins, he gives a particular account, that in the evening of the 3d of November 1783, after Vydenadah's punishment, he went by Mr. Cochrane's orders to the room where Vydenadah was, for the purpose of taking down in writing every thing that could be learnt from him on the subject of his accounts: That *Vydenadah* dictated to Vencatarayloo, who went along with Serjeant Hawkins, a Paper, whereof he Serjeant Hawkins made out a Copy, and the account so taken down in writing, was that same evening delivered by Serjeant Hawkins to Mr. Cochrane.

From this deposition of Serjeant Hawkins, one remark occurs, that if Vydenadah had been so severely flogged as was alledged in one part of Mr. Smith's Report, he would not probably have been in a condition that same evening to dictate the Paper mentioned by Serjeant Hawkins; neither would Mr. Cochrane and Serjeant Hawkins probably have thought of chusing that evening to employ Vydenadah in dictating that paper.

Another observation which presents itself from considering jointly the depositions of Soobramany Pilla and Mr. Crawford, is, that the symptoms which attended Vydenadah's case at the times when visited both by the black doctor and the English surgeon, were symptoms which had no connection with the punishment he had suffered, but were connected with a disorder to which Vydenadah had been subject before the time of his punishment, and for which he had formerly been a patient to one of the very persons who gave this testimony concerning him.

Paragraph Thirteenth of the REPORT.

*" But there is no jurisdiction in India by which he can be tried; and
" in case there was, it is scarcely possible, at this length of time, that he
" should be convicted."*

OBSERVATIONS on Paragraph Thirteenth of the REPORT.

The Memorialist apprehends, that Mr. Smith has been under a mistake in supposing that there was no jurisdiction in India by which this
Case

Case could be tried ; and the mistake may be owing to his not attending to the circumstances relating to *Negapatam*, and the right by which that place has been held since the conquest of it from the Dutch.

This is not the case of an offence charged to have been committed by a British subject within the *lands or territories of any native Prince or State of India* ; and therefore does not call for the discussion of the questions whether such offences committed before the statute 24 Geo. III. c. 25, may be tried and punished under the new provisions of that act by the competent jurisdictions, or whether the provisions of the 44th section of that statute extend to the case of Madras ?

Negapatam is under the dominion of Great Britain, by right of conquest from the Dutch East India Company, who were in possession of that place before the present family of Tanjore Rajahs, or any neighbouring race of Indian Princes had any establishment in these parts of the Carnatic ; and were held by that Dutch East India Company by the same tenure as the English now hold Madras.

Negapatam being thus acquired by right of conquest, the laws of the conqueror must take place there, as exercised in the British dominions in India ; and consequently there is no solid objection to Mr. Cochrane's being tried by the Court of Oyer and Terminer at Madras in its ordinary jurisdiction—the exercise of which is, in point of justice, not more necessary for the punishment of the guilty, than for the justification and protection of the innocent.

There is some reason to think, that the Case which was sent by the Madras Government to Bengal, for the opinion of the Judges there, did not specifically state the particulars of Mr. Cochrane's Case, with the circumstance of the punishment and death of the person in question having taken place at *Negapatam*, under the dominion of Great Britain by right of conquest.

No copy of the Case sent to Bengal was communicated to Mr. Cochrane, either before or after the opinion of the Judges there was taken upon it : A copy was given to him of the opinion received from the Bengal Judges ; but in the whole course of that opinion, there is no mention of Mr. Cochrane's name, nor any thing that bears allusion to the case of an offence charged to have happened at *Negapatam*,
I which,

which, on that very account, was under under circumstances very different from offences charged to have happened within the lands or territories of *a native Prince or State in India*. The opinion of the Bengal Judges must be regulated and explained by the Case that was laid before them, on which that opinion was founded; and the Memorialist has the more reason to think that there had been some imperfection in the Case sent by the Madras Government to Bengal, because, upon a Case stating the real circumstances of the offence charged to have happened at *Negapatam*, and mentioning the tenure by which that place is held, the Memorialist has received the opinion of able Counsel in England, that Mr. Cochrane might have been tried by the Court of Oyer and Terminer at Madras in its ordinary jurisdiction.

Paragraph Fourteenth of the REPORT.

" Mr. Cochrane seems himself to have been conscious of having acted very wrong, for immediately after the death, he not only gave money for the funeral, and for support of the deceased's family, but offered money for the payment of his debts, which it is not to be supposed he would have done in favour of a man whom he accused of great misbehaviour, if he had not thereby had a view of stopping an inquiry into this business."

OBSERVATIONS on Paragraph Fourteenth of the REPORT.

Nothing can be more unjust and ill founded, than the whole of this Paragraph of the Report, and the imputations are the more unjustifiable, because the aspect under which Mr. Smith has presented this matter, and the inferences which he has thought proper to make, are totally unsupported, and in many respects are directly refuted by the proofs.

The simple and genuine matter of fact is narrated in Ensign Clarke's deposition, who was present at all that passed, and has given an account of it in the following words :

" On

" On the 9th of November, in the evening, Vydenadah died, and on my informing Mr. Cochrane of it, he expressed his concern, and gave orders for the corpse to be carried to the house of his family.

" The next morning at breakfast, Vydenadah's mother came to Mr. Cochrane, and made a request of the jewels belonging to her daughter-in-law, which I was informed had been deposited by Vydenadah in part payment of the grain he had embezzled, belonging to the Honourable Company.

" She said the jewels were necessary for the ceremony to be observed in the funeral, which Mr. Cochrane gave up to her in my presence.

" And on the old woman declaring that her deceased son was her only support, and that she had no money to perform the funeral ceremony, Mr. Cochrane informed her, that the same wages which had been allowed Vydenadah, should be continued to his brother-in-law, a boy fourteen years old, and ordered some money to be given her for the charges.

" He then directed that the ceremony should be performed in the most public manner, and that his servants of the same cast should attend; it was accordingly done between the hours of nine and eleven in the forenoon."

If Mr. Smith took the trouble of reading the relation of the matter of fact thus given by a gentleman of character, and by a gentleman who was present at what passed, it must appear extraordinary how Mr. Smith could permit himself to represent under such black colours, those circumstances of Mr. Cochrane's behaviour, which were purely and naturally the effect of humanity, towards a helpless old woman, who by the loss of her son had been deprived of her only support, and who had not the means of affording a decent funeral to the son she had lost.

Would there not have been more reason to reproach Mr. Cochrane with barbarity, if he had refused to give some little aid to this helpless woman in her distressed situation, or refused to afford some assistance for having her son decently interred.

What he did in these respects, he did not do privately, but openly; he made no secret of the sort of aid he gave on that occasion.

If Mr. Cochrane, instead of sending Vydenadah's corpse to the house of his family, and instead of assisting his friends to have a public and decent funeral, had ordered the corpse to be privately and suddenly interred, which might have avoided any expence, would he not have been more exposed to Mr. Smith's criticisms? and from the disposition which has appeared in the course of the Report, such conduct on Mr. Cochrane's part must infallibly have drawn upon him the severest animadversions from the Reporter.

Upon the most simple and natural acts of humanity, Mr. Smith has founded the harshest imputations to Mr. Cochrane's prejudice. He states them as proofs of Mr. Cochrane's being *conscious* that he had acted *very wrong*, and proofs that he had a view of *stopping an enquiry* into this business.

It was not easy to frame a more cruel or a more injurious imputation, but fortunately the whole tenor of the proceedings, and of the proofs in this business, serves as an antidote to the poison that was thus meant to be conveyed.

It appears that Mr. Cochrane's conduct, from first to last, has been quite the reverse of that which would have been observed by a man either conscious of guilt, or desirous of stopping inquiry.

The impression which Mr. Smith has endeavoured to convey to the Court of Directors in these respects, never was entertained even by Mr. Cochrane's enemies at Madras, nor by that part of the Madras Government which might be supposed to be most adverse to him; and there is evidence on this point which Mr. Smith himself must acknowledge to be decisive against this part of his Report. It is this:

In the Minute already mentioned of Mr. Dent, one of the Members of Council, dated 10th February 1785, there is the following Paragraph:

" It appears that Mr. Cochrane gave strict orders that every possible
 " care should be taken of Vydenadah after the punishment; and that
 " the funeral ceremony was performed in the most public manner,
 " and that no steps whatever were taken on the part of Mr. Cochrane
 " to conceal it."

Opposite to this Paragraph in Mr. Dent's Minute, and particularly to that part of it which says, that no steps whatever were taken on Mr.

Cochrane's

Cochrane's part to conceal it; Lord Macartney has on the margin expressed himself in the following words: "*There is no doubt of it.*" This is a complete confirmation on the part of Lord Macartney as well as of Mr. Dent, that Mr. Cochrane had not deserved the charge which Mr. Smith has now endeavoured to bring against him.

The immediate subsequent part of Mr. Dent's Minute is in these words: "*Therefore the most that can be said of it is, that it was an unlucky accident, even supposing that the man's death had been hastened by the punishment, which is by no means proved.*"

On the margin of that part of Mr. Dent's Minute, and immediately opposite to the words *unlucky accident*, Lord Macartney expresses himself thus: "*The Board never supposed otherwise.*"

In a former part of this Memorial, it has been already observed, that Lord Macartney, on the margin of another part of Mr. Dent's Minute, had declared, that "*Mr. Cochrane had certainly been very active and desirous to bring this matter to an investigation.*"

If any circumstance were requisite to give additional weight to the testimony which Lord Macartney, as well as Mr. Dent, has given in Mr. Cochrane's favour upon the particulars now mentioned, it would arise from this, that on the perusal of the whole of the marginal observations made by Lord Macartney upon Mr. Dent's Minute, it is abundantly evident, that there was no remarkable partiality on his Lordship's part to Mr. Cochrane's side of the question; on the contrary, the pains there bestowed in combating various parts of Mr. Dent's reasonings, which were favourable for Mr. Cochrane, as well as the similar attempts in various Minutes drawn up by Lord Macartney himself in the course of this business, could not have been exceeded by the exertions of the most able and ingenious Counsel devoting his genius and industry to that object.

In such circumstances, the clear and decided opinions of the Resident, and one of the Members of the Council at Madras, so favourable to Mr. Cochrane upon the very points which Mr. Smith has represented so very harshly against him, must afford the completest refutation of that part of Mr. Smith's Report.

Paragraph

Paragraph Fifteenth of the REPORT.

“ If Mr. Cochrane is to be tried, it must be by a special Commission to
 “ be granted under the statute of Henry VIII. ; and this trial can have
 “ no effect, unless the Commission is appointed to sit at Madras. But it
 “ seems important to the Court to consider what is fit to be done respecting
 “ Mr. Cochrane, as a Company's Servant, to prevent the imputation of
 “ their encouraging and countenancing the misbehaviour of their Servants
 “ towards the Natives of India : Whether the circumstances of the Case
 “ are sufficiently strong to convict Mr. Cochrane of the Murder or not,
 “ it is certain that Vydenadab was punished in a severe and unusual
 “ manner ; and whatever may be Mr. Cochrane's fate, it cannot be doubt-
 “ ed that the Natives are strongly impressed with the idea of this punish-
 “ ment having been the cause of his death.

(Signed) JOHN SMITH.”

23d April 1786.

OBSERVATIONS on Paragraph Fifteenth of the REPORT.

In the course of the Observations on Paragraph thirteenth, the competency of a trial in India, by the Court of Oyer and Terminer at Madras, has been shewn, which affords an answer to the first part of Paragraph fifteenth, now under consideration.

Mr. Smith, in the second part of the Paragraph, has shewn his anxiety for preventing the *imputation* of the Court of Directors encouraging and countenancing the misbehaviour of their Servants towards the *Natives of India* ; and it is not impossible that this suggestion may have had considerable influence in producing the proposed Sentence of Dismissal, which was founded upon, and instantly followed Mr. Smith's Report.

However laudable Mr. Smith's zeal and anxiety may be for preventing any possible imputations against the Directors, one cannot help observing, that in this part of the Report he seems more anxious about *appearances* than *realities*. The first and essential point that ought to be

be settled is, whether the Company's Servant has been guilty of any, and what sort of misbehaviour; and, supposing him to have been guilty of some offence, the second point is, what sort of punishment is best suited and proportioned to that offence: But it is a strange rule of justice to begin first by a severe punishment, without any enquiry into the reality or degree of the offence.

The Court of Directors would certainly not wish to inflict on one of their faithful Servants, a punishment that is *not deserved*, for the sake of avoiding a *possible imputation* on themselves—which imputation, if made, would *not be founded*.

In more than one part of the Report, it seems as if Mr. Smith were distressed with the apprehension that Mr. Cochrane, if tried, might not be *convicted*; and the remedy he has for that distress is, by rendering it immaterial whether he is convicted or not, by punishing him without either trial or conviction. In this part of the Report, there is the following expression: "Whether the circumstances of the Case are sufficiently strong to convict Mr. Cochrane of *the murder* or "not," &c. Here it seems to be taken for granted, that *a murder* was committed—that Mr. Cochrane was guilty of that murder—and that the only thing in doubt is, whether the circumstances of the Case are sufficiently strong to *convict him of that murder*.

This is a strange way of representing a Case, where, taking it in the strictest and severest manner against the person accused, there would be two essential questions: The first, whether, in point of fact, the man's death had been occasioned by the punishment? and, secondly, whether, even upon proof of that fact, it could be construed into *intentional murder*, or imputed only to *unforeseen* and *unfortunate accident*?

In the last part of the Report, Mr. Smith expresses himself thus: "*It is certain* that Vydenadah was punished in a severe and unusual manner; and whatever may be Mr. Cochrane's fate, it *cannot be doubted* that the Natives are strongly impressed with the idea of this punishment having been the cause of his death."

The facts which are here stated by Mr. Smith *as certain*, and which *cannot be doubted*, are facts which are by no means supported, on the contrary, are contradicted, by the proofs which have been taken in
this

this business. The Memorialist will not take up the time of the Court by resuming those parts of the proof which afford a direct refutation of the assertions thus made; he will only beg leave to call to their remembrance the result of the evidence which has been already stated for shewing, that in the opinion of the most credible witnesses who were present at the inflicting of the punishment, and of those who afterwards saw Vydenadah, his death was not occasioned by any severity in that punishment.

In the last part of the Report it is said, that it *cannot be doubted* that the Natives are strongly impressed with the idea of this punishment having been the cause of the death of Vydenadah.

It is incumbent on the Reporter to point out the evidence from which he has learnt with such certainty these impressions of the *Natives*; it is certainly not in the course of the proofs taken either at *Negapatam* or at *Madras*, that he could have acquired this intelligence; on the contrary, the fair result of the evidence taken at these places is, that there was no such *prevailing opinion* or *impression* among the *Natives*: But perhaps Mr. Smith may be of opinion, that it is proper that a faithful Servant of the Company should be sacrificed, *lest* the *Natives* should happen to have such an impression as he has ascribed to them, and for the purpose of guarding against the chance of the Directors being blamed for not shewing more attention to the *Natives*.—If arguments of this sort are to be admitted, there is no Servant of the Company's, however meritorious, whose situation would not be rendered perfectly precarious.

For quieting the alarms which Mr. Smith seems to entertain about the *impressions of the Natives* in this case, it may not be improper to observe, that few cases could ever occur where there could be less hazard of the *Natives* in India taking a strong interest in the event which had happened, or of their feeling apprehensions from its consequences.

It was well known, and must have been obvious to all the natives, that this man *Vydenadah* had been guilty of very enormous crimes, and that his crimes were such, that by the laws of every civilized country, his life must upon trial have been forfeited for his offences.

They must also have seen, that he was not in the situation of an innocent man or of a man guilty of trivial offences, who had been wantonly

tonly punished by his master; on the contrary, that his master had not been actuated by any private pique or malice, but had publicly punished his servant, in a manner agreeable to the general and long established Oriental Customs, not only for breach of trust and dishonesty towards himself, but also for crimes of a public nature.

Finally, they must have seen, that it was in the power of the person punished, either to have *abridged the punishment*, or to have *avoided it altogether* by a more early confession of his crimes, and delivering up the accounts which he had stolen.

Upon the whole, they could not but be satisfied, that even if the death, which happened at the distance of several days, had been in any degree occasioned by the punishment, still it could not at the worst be considered as more than an *unfortunate accident*, without any intention on the part of the master to deprive the servant of his life.

In these circumstances, there surely can be no manner of reason for Mr. Smith's raising alarms about the *impressions* of the *Natives* in this case, or for his inducing the Directors to act upon these *supposed impressions*, as a good ground for exercising severity towards a faithful zealous servant of the Company, lest they should incur blame to themselves for not punishing Mr. Cochrane without either conviction or trial.

The tendency of Mr. Smith's suggestion, and the substance of his argument on this point, may in a few words be reduced to this proposition; that in order to give to the *Natives in India* a proof of the *humanity* of the India Directors, they ought to inflict a punishment of the severest nature, right or wrong, upon one of their European servants.

C O N C L U S I O N.

The Memorialist has now finished the painful task of stating the various essential particulars of a very singular and interesting Case, and of arranging the contents of an uncommonly voluminous collection of Papers, to which the peculiar circumstances of that Case had given rise.

This task, unpleasant as it has been, became indispensibly necessary, because, without it, there was no possibility of understanding the real merits of the Case itself, or of discovering whether a faithful or unfaithful representation of them had been given in the Report drawn up by the Company's Solicitor.

When the officer of a Public Company is directed to examine the merits, and to report his opinion upon the Case of an individual, whose character, situation, and every thing valuable to him in life are at stake, it is natural to expect that such Report should proceed on an examination of all circumstances *favourable* or *unfavourable*, to the person whose interests are thus deeply concerned, and that the Report itself should afford the clearest conviction that the author of it had examined the whole Case, attended to every thing material *for* or *against* the person in question, and that the opinion formed by him upon the whole, was the result of complete knowledge of the subject, and of a cool, dispassionate, and impartial judgment upon the merits.

If this description shall appear to be truly applicable to the Report which has been made by Mr. Smith in this Case of Mr. Cochrane, then it will not be disputed that it was a good foundation for the Directors to proceed upon in their deliberations.

But if, on the other hand, it becomes evident from a comparison of Mr. Smith's Report with the Papers which he either did examine or ought to have examined, that the Reporter did not possess a complete knowledge of the subject, or that possessing it himself, he did not chuse to communicate that knowledge to the Directors who had reposed the most implicit reliance upon him for full information and impartial judgment; in either case, it must be allowed, that the Report, instead of influencing the minds of the Directors, or superseding the necessity of a thorough examination by themselves, must naturally and necessarily encrease the reasons for such examination.

It is by no means surprising, that the Report made by Mr. Smith should have produced impressions highly unfavourable to Mr. Cochrane; it would have been much more surprising, if such a representation of his conduct as that which the Report contains, had not excited a strong degree of prejudice against him in every liberal mind, while the fidelity of that representation was completely relied upon.

But the Memorialist cannot doubt that the justice and humanity of the Court of Directors will most readily induce them to lay aside every unfavourable impression that could ever have been produced by that Report, so soon as they shall be convinced by the proofs appealed to, that the Report to which they have hitherto trusted, had mis-stated some very material facts, exaggerated and coloured others in a manner not authorized by the evidence, and totally omitted many facts and circumstances highly favourable for Mr. Cochrane, and essential for rendering to him impartial justice.

The Memorialist, who regrets exceedingly the unavoidable length of this Paper, will not allow himself to add to it, by here resuming the great outlines of the Case. He flatters himself, that by the order and arrangement which has been observed in stating and examining every part of the Report, it will not be a very difficult matter to discover upon each branch of it, whether the state of facts and inferences given by the Reporter, or those contained in the progressive observations upon his Report, have been the most solidly founded, and the best supported by evidence. By this test the Memorialist is very willing and desirous that his brother should stand or fall in the estimation of the Directors, and that his fate should be decided.

One observation he cannot avoid making, because it is of so striking a nature, that it must produce some degree of surprise. It is this: That in the whole course of the Report relating to a great variety of articles of conduct, there is not to be found any one fact or circumstance in favour of Mr. Cochrane, or any suggestion or observation favourable either to his conduct or to his motives in the matters in question.

It would have been a Case, such as seldom occurs, and a very unfortunate one, indeed, for Mr. Cochrane, if his had been of such a desperate nature and complexion as not to afford room for any one thing being said in his favour, whether in refutation or in diminution of the Charges which had been brought against him. But whoever takes the trouble of perusing the preceding parts of this Memorial, with the Evidence to which it refers, must be satisfied, that the real circumstances of Mr. Cochrane's Case deserved a very different representation of them from that which has actually been given by the Reporter.

The Memorialist is very unwilling to ascribe to any man, improper motives or improper prejudices: He is disposed to consider the objectionable parts of Mr. Smith's Report, as proceeding from that multiplicity of business which could not easily admit of his investigating accurately the particulars of a Case, whereof the true knowledge could only be attained after a great deal of labour bestowed, and after the perusal of a great collection of Papers and of Evidence.

The Memorialist cannot help thinking, that Mr. Smith will himself regret that he had not perceived the true state of the Case, and those various essential particulars which have now been brought under view. He will feel, perhaps, with some degree of compunction, what calamities his hurry and inadvertence has occasioned, or was likely to occasion, to a meritorious and misrepresented Servant of the East India Company.

The calamity with which Mr. Cochrane has been threatened, is of a very serious nature—that of Dismissal from the Company's Service, after *Seventeen Years constant residence in India*—from which circumstance of itself, as well as from the rank which he has attained in the Service, he had every reason to flatter himself that he was now fast advancing to the period of reaping the fruits of many years labour and faithful services, especially as the beneficial consequences of rank in the Service, and long residence in India, are now better secured than ever they had formerly been to the Company's Servants.

But the disappointment in that respect, which would attend a Dismissal from the Service, is not to be compared with the superior misfortune of having his character and reputation, and his future prospects in any part of the world, ruined, by a Sentence of Dismissal, and that Sentence necessarily connected with the imputations of Cruelty and Murder.

Instead of deserving this fate, the Memorialist, upon the best grounds, and from his reliance on the justice and humanity of the East India Company, flatters himself that, upon an attentive perusal of what has now been submitted to the consideration of the Court of Directors, and upon the strictest scrutiny of the Evidence itself, with the official Papers from which this Memorial has been drawn up, the Honourable Court will find just and sufficient grounds for adopting one of the two measures now to be mentioned.

The *first*, and most desirable, is that of a complete and honourable acquittal of Mr. Cochrane, by the Court of Directors themselves, after the most full and due consideration of all the circumstances of his Case.

The *second* is, that if any doubt should happen to remain with regard to Mr. Cochrane's being entitled to that immediate acquittal, that the Court of Directors will be pleased to refer the whole matter to the Government of Madras, with directions to the President and Council there to make diligent enquiry into all the particulars and circumstances of Mr. Cochrane's Case ; and with powers to them either to decide thereupon themselves, or to report their opinion, in order that the Court of Directors may hereafter pronounce such judgment as the real circumstances of the Case, ascertained by a faithful Report, shall appear to merit.

In respect whereof, &c.

DUNDONALD.

London, 12th July, 1786.

The Act and now desirable, is that of a complete and honest
account of Mr. Gough by the Court of Directors themselves, which
the most full and complete of all the circumstances of the case.
The Court is not to be held liable to a man with re-
gard to his (the Court) being entitled to that regard as
that the Court of Directors will be held to refer the whole matter
to the Government or to the President and
Council, there to make the best and most judicious use
of the circumstances of the case, and to report to the
Government, or to the President and Council, in order
that the Court of Directors may be better prepared with
the full circumstances of the case, as required by a full report
shall appear to them.

DUNBONALD

London, 12th Feb. 1786.

A P P E N D I X:

CONTAINING

PAPERS and PROOFS referred to in the MEMORIAL and PETITION from the Earl of DUNDONALD to the Honourable the COURT OF DIRECTORS of the EAST-INDIA COMPANY, dated July 12, 1786.

STATE of the EVIDENCE taken at *Negapatam*, on the Subject of the Punishment and Death of *Vydenadah*.

IN the *Anonymous* Petition presented to the Board at Madras in December 1783, containing charges against Mr. Cochrane, supposed to proceed from the inhabitants of *Negapatam*, but which never was avowed by any of the inhabitants, the death of *Two Persons* supposed to have died in consequence of the punishment of flogging, was imputed to Mr. Cochrane. Subsequent to the date of that Petition, one of these persons was discovered to be alive, and in perfect health.

With regard to the other, named *Vydenadah*, it was averred in the *Anonymous* Petition, that Mr. Cochrane had ordered “*Ten Pallankeen boys, and Ten Sepoys to beat Vydenadah from eight o’clock in the morning till twelve in the forenoon, pouring the water mixed with salt on his back, which they reckoned about two thousand lashes.*”

In the month of June 1784, *Mootiah*, the brother-in-law of *Vydenadah*, and his accomplice in the embezzlement of the Company’s grain, gave in a Petition against Mr. Cochrane, tending to accuse him as the author of the death of *Vydenadah*; in which Petition it was stated, that *twelve Pallankeen boys, and four Sibendy Sepoys* had been employed beating *Vydenadah*; each one of the *Pallankeen boys* and *Sibendy Sepoys* taking it by turns. And in *Mootiah’s* Petition it was also said, that this had been performed in a *most unmerciful and barbarous manner, from eight o’clock in the morning till past twelve*, when *Vydenadah* was put in close confinement in the same house.

The *Anonymous Petition*, and the Petition from *Mootiah* above mentioned, were, on the 15th of September 1784, sent by the President and Council of Madras to Mr. Fallofield, the Resident at Nagore, with a letter, acquainting him that he was appointed, with his two Assistants, and the Commanding Officer at *Negapatam*, to make the fullest inquiry possible into the charges exhibited against Mr. Cochrane by *Mootiah*, and to make a full

and clear Report to the Board of the result of their inquiries, after examination of the whole matter upon the spot at *Negapatam*.

Upon the investigation made at *Negapatam* by this Committee, it turned out, that *not one of the Pallankeen boys* mentioned in the Anonymous Petition, and in that from *Mootiah*, had been employed in the Punishment of *Vydenadah*, and even that there was not any one of these *Pallankeen boys* who had been present at the punishment.

It was also clearly proved, that the only persons who had been employed in the punishment of *Vydenadah* were four Sepoys, three of whom were examined by the Commissioners at *Negapatam*, viz. *Mootal Naig*, *Cundama Naig*, and *Gopal Naig*. The name of the other Sepoy said to have been employed, was *Cawder Cawn*; but as to him there seems to have been some little degree of uncertainty,—One of the Sepoys examined not recollecting him, nor the employment of more than three Sepoys in all; but the other two Sepoys who were examined, viz. *Cundama Naig* and *Gopal Naig*, specified four Sepoys as employed in the punishment, and named *Cawder Cawn* as one of them.

Each of the three Sepoys examined (on the 9th of October 1784), were ordered by the Committee at *Negapatam* to declare every particular they severally knew relating to the punishment and death of *Vydenadah*; in consequence whereof they severally made the following declarations:

Mootal Naig's Declaration.

" Mr. Cochrane's Conicoply *Vencapiah*, brought *Vydenadah* from the guard to Mr. Cochrane's house, when he was carried into Mr. Cochrane's room, there beat and brought out again; when he ordered the witness and two other Sepoys to beat him. After beating him he was put into a room, when his mother, brother-in-law, and sister-in-law were brought and confined with him: The day after he was beat, *Vydenadah* complained he was ill; a doctor was ordered to visit him, felt his pulse, and gave him physic. *Vydenadah* lived six days after his punishment, and then died."

Cundama Naig's Declaration.

" *VENCAPIAH* came to the guard, and informed the guard that Mr. Cochrane wanted *Vydenadah*—*Vencapiah* then took *Vydenadah* into Mr. Cochrane's room, the witness being without, I do not know what passed, but I heard *Vydenadah* cry: Then Mr. Cochrane brought out *Vydenadah*, and gave the Sepoys a rattan, with which they beat *Vydenadah*, relieving each other.—After they had beat him on the back, Mr. Cochrane ordered him to be beat with a rattan on the soles of his feet.—Mr. Cochrane then ordered the Sepoys to carry him to the room from whence he was brought;—after which his mother, brother-in-law, and a little girl, were brought and put in the same room with *Vydenadah*. That night Mr. Cochrane demanded some accounts from *Vydenadah*, which he gave him.—*Vydenadah* finding himself ill, Mr. Cochrane ordered a doctor to give him some physic:—*Vydenadah* remained six or seven days very ill in confinement.—I heard that when the jemidar and havildar of the guard went

" to

“ to make the report to Mr. Cochrane that Vydenadah was dying, Mr. Cochrane was
 “ not at home, but as soon as he was informed of Vydenadah's death, he ordered the
 “ body to be carried to Vydenadah's own house.”

Gopal Naig's Declaration.

“ EARLY in the morning Vencapiah, servant to Mr. Cochrane, carried Vydenadah to
 “ his master, Mr. Cochrane, who took him (Vydenadah) into his chamber, and beat
 “ him; after he was tired of beating him, he ordered three Sepoys and myself to come
 “ into the said chamber, and gave me a rattan, ordering me to beat Vydenadah there-
 “ with;—after I was tired of beating him, Mr. Cochrane ordered the rattan to be given
 “ to another Sepoy;—and after he (Vydenadah) had been beat by the four Sepoys, he
 “ was ordered to be carried into a room and shut up—and then Mr. Cochrane ordered
 “ Vydenadah's mother, brother-in-law, and little sister-in-law to be brought and con-
 “ fined with him. Vydenadah remained in this situation four days;—on the fourth day
 “ he complained of a cold and fever, on which Mr. Cochrane sent for a doctor to visit
 “ him;—two days after the doctor attended him, Vydenadah died in the same chamber,
 “ when Mr. Cochrane ordered the body to be sent in a pallankeen to his (Vydenadah's)
 “ own house. During Vydenadah's confinement Mr. Cochrane demanded some accounts
 “ from him, which Vydenadah wrote and delivered to him.”

The above is a literal copy of the general account given by each of the three Sepoys
 when severally examined in relation to the punishment and death of Vydenadah; but be-
 sides the general accounts thus given by them, certain questions were put to each of them
 by the Committee at *Negapatam*, in consequence of which further particulars were
 learnt.

QUESTION I.—Was there any *Pallankeen* boys present at the punishment?

ANSWER.—By each of the Sepoys—No.

QUESTION II.—How many Sepoys punished Vydenadah, and what were their names?

Answered by *Mootal Naig*.—Gopal Naig, Cundama Naig, and myself (*Mootal Naig*).

This witness was further asked—Was there a Sepoy named *Cawder Cawn* concerned in
 the punishment of Vydenadah?

ANSWER.—I do not recollect.

ANSWER by *Cundama Naig* and *Gopal Naig* to the second Question.—*Four Sepoys*; and
 that the names of the Sepoys were *Gopal Naig*, *Cawder Cawn*, *Mootal Naig*, and *Cun-
 dama Naig*.

QUESTION III.—Were any other Sepoys present, or concerned in the punishment be-
 sides those before-mentioned?

Answered by all of them.—*None*.

QUESTION IV.—How long did the punishment of Vydenadah last?

Answered by *Mootal Naig*.—I think about two hours.

Answered by *Cundama Naig*.—I cannot say precisely, two, three, or four hours.

Answered by *Gopal Naig* (upon a separate question in relation to the number of lashes).
—From six to ten o'clock.

QUESTION V.—How many lashes did you give Vydenadah during the whole of his punishment?

Answered by *Mootal Naig*.—About *ten lashes*.

Answered by *Cundama Naig*.—I cannot tell exactly, but believe about *twenty or thirty*.

Answered by *Gopal Naig*.—I cannot tell, but the Sepoys were from six to ten o'clock in punishing him.—After the deceased had been beat on the back, Mr. Cochrane ordered Vydenadah's legs to be tied, and to be beat with a rattan on the soles of his feet.

N. B. This last-mentioned witness *Gopal Naig* differed from the two other Sepoys with regard to the time of duration of the punishment, and the following additional Question was put to him by the Committee :

QUESTION.—You say the deceased was beat from six to ten: During that interval of time was there no intermission of punishment?

ANSWER.—During the time of punishment, whenever Mr. Cochrane questioned Vydenadah concerning his accounts, and he made reply thereto, *they suspended the punishment sometimes for a quarter, and sometimes for half an hour at a time.*

QUESTION VI. How many lashes do you suppose Vydenadah received altogether?

ANSWER by *Mootal Naig*.—I did not count the lashes, and cannot tell.

ANSWER by *Cundama Naig*.—I believe *about one hundred lashes*.

No answer by *Gopal Naig*, as that question seems not to have been specially put to him.

QUESTION VII.—Was any blood drawn?

ANSWER by *Mootal Naig*.—Yes.

By *Cundama Naig*.—Yes, a little blood was drawn.

By *Gopal Naig*.—Yes, blood was drawn from his back.

QUESTION VIII.—Did you see Mr. Cochrane himself beat Vydenadah?

ANSWER by *Mootal Naig*.—*No*.

By *Cundama Naig*.—*No, I did not.*

By *Gopal Naig*.—*No, I only heard Vydenadah cry in the room.*

The above is the whole of the evidence given by the three Sepoys who were examined in relation to the punishment and death of Vydenadah.

On the 12th of October 1784, the Negapatam Committee examined four Pallankeen boys who were in Mr. Cochrane's service during the punishment of Vydenadah, and to whom Mootiah had alluded in his petition.—All of these Pallankeen boys declared, that they were not concerned in punishing Vydenadah, and that they were not present at the punishment.

In the course of the months of September, October, November and December, 1784, the Committee examined various Witnesses produced by *Mootiah* the accuser, in support of the charges against Mr. Cochrane; particularly, they examined the following six Witnesses,

nesses, all of them produced on the part of the accuser, to wit, *Seid Mabomed, Woodendee, Shankarapilla, Dawferry-Chitty, Vencatty-Subab-Chitty, and Armogum.*

Seid Mabomed's Declaration.

"I was standing with my guard, and heard they were flogging Vydenadah in the house; afterwards Vydenadah was brought into another room, and I was ordered to send four Sepoys to beat him, which I did.—One of the four Sepoys returned, and acquainted me that the Sepoys were ordered to beat Vydenadah on the soles of his feet:—Three Sepoys gave each fifteen, twenty, or thirty blows to Vydenadah on the soles of his feet."

Woodendee's Declaration.

THIS Witness was not present at the punishment of Vydenadah; but on his examination declared, that he went to visit him on the *third day* after he had been punished; and that four or five days afterwards, being told that Vydenadah was dead, and was carried to his house, he went there and saw it, and accompanied the corpse to the burying-place.

This Witness, from the particulars mentioned in his declaration, appears to have been much connected with Vydenadah, who had asked him to be security for him.—The following Questions were put to this Witness by the Negapatam Committee:

QUESTION.—At the time you visited Vydenadah in his confinement, how did he appear to you?

ANSWER.—He appeared to be in great pain, his back and his legs much hurt by the strokes he received, and his voice was low.

QUESTION.—Did you at the time you saw him suppose his life was in danger?

ANSWER.—*No such thought struck me.*

QUESTION.—Did Vydenadah, when you saw him, express any apprehension that he should die?

ANSWER.—*No.*

QUESTION.—Did you see the corpse of Vydenadah at his mother's house?

ANSWER.—*Yes.*

QUESTION.—Were there any wounds upon the body of Vydenadah likely to have produced his death?

ANSWER.—*The thought did not occur to me at the time, and the body was laid on the back.*

Shankarapilla's Declaration.

"I was one of the Beetle Farmers, and brought before Mr. Cochrane on account of of the beetle business. I went into the house, and saw Vydenadah tied, and the Sepoys beating him on the soles of his feet.—I heard Mr. Cochrane tell Vydenadah's mother

"mother—If Vydenadah does not deliver it, he will be punished more—*If he delivers it the punishment will cease*—As I was passing that street about four or five days afterwards, I saw the Doctor who was sent by Mr. Cochrane to visit Vydenadah; and the Doctor told me Vydenadah was dead."

QUESTION.—Do you know what it was that Mr. Cochrane required Vydenadah to deliver?

ANSWER.—I do not know.

QUESTION.—Did you see the end of Vydenadah's punishment?

ANSWER.—No: I was present but a little while.

QUESTION.—Did Vydenadah's punishment appear to be severe?

ANSWER.—I cannot say.

QUESTION.—Have you any further information to give the Committee?

ANSWER.—None.

Dawferry-Chitty's Declaration.

THE declaration of this Witness is composed almost entirely of hearsays. What he pretends to have seen of the punishment, without being in Mr. Cochrane's house, but looking through a window, is as follows:

"I heard that Vydenadah was punished on the terrace of Mr. Cochrane's house: On hearing this, I went to Mr. Cochrane's house to see; and found that Vydenadah was brought down; his legs were tied to a string, the end of which was fastened to the stair-case; he was laying on his belly, and they were beating him. I was not in the house, but looked through the window. I stood there about an hour, when the servants of Mr. Cochrane sent me away—At night I heard they afterwards beat him on the soles of his feet: Next morning I went to see Vydenadah, when I found him very weak, and his belly swelled."

Vencatty Subab Chitty's Declaration.

IN the first part of this man's examination, he says, That hearing that Vydenadah was punishing by Mr. Cochrane, he went to look at him; and that being close to the house, he heard the sound of the strokes, and the cries of Vydenadah.

In the second part of his examination, after having been desired by the Committee to confine his information to such circumstances of which he was an eye witness, or could prove to be true, his declaration proceeded as follows: "I went to the Bazar, and bought some pepper and other things by the desire of Vydenadah's mother; when I returned, I saw Vydenadah punished on the soles of the feet; and I heard Mr. Cochrane desire the person who was punishing him, named Tripoli, not to beat him on his feet, but on his legs—On seeing this I went away."

QUESTIONS

QUESTIONS by the COMMITTEE to this Witness.

IN the former part of your declaration, you mentioned the punishment of Vydenadah, the strokes of which you heard, as well as the cries of Vydenadah : And in the latter part of your declaration you say, That when you returned from the Bazar to Mr. Cochrane's you found Vydenadah was punishing on his feet.

QUESTION.—Was this one and the same punishment ?

ANSWER.—No ; they were different.

QUESTION.—Did these punishments happen in the same day ?

ANSWER.—Yes.

QUESTION.—At what hours of the day were these punishments inflicted ?

ANSWER.—The first was between eleven and twelve in the morning ; and the second after sun-set.

QUESTION.—Did you either hear or see any thing that passed between Mootiah and Mr. Cochrane ?

ANSWER.—No : I waited at the outside of the door—Mootiah went up stairs.

Armagum's Declaration.

“ I ATTENDED Vydenadah to Mr. Cochrane's house.—Vydenadah was sent for up stairs ; I remained below—I heard Vydenadah punished up stairs, but did not see it—
“ I also overheard Mr. Cochrane ask him for a book.—Vydenadah was then brought down, and I saw him punished by four Sepoys ; after which he was confined in the guard—
“ I saw Vencapiah come to Vydenadah that same night, who demanded a book belonging to Mr. Cochrane—Vydenadah replied, He had none. Then Mr. Cochrane came, and stood by the door, and ordered two Sepoys to tie his legs together, and beat him with a rattan on the soles of his feet. Vydenadah still denied having the book. Mr. Cochrane then told Vydenadah to take care what he said ; for if he did not produce the book the flogging should be repeated : Vydenadah again told him, He had no book belonging to him ; but Mr. Cochrane might look over his cadjan accompts, and draw from them what he chose.”

On the 13th of November the same witness, *Armagum*, was further examined, when the following Question was put to him by the Committee :

QUESTION.—How many days elapsed between the time of Vydenadah's punishment, and the time when he was taken ill, and took medicine from the doctor ?

ANSWER.—The day after his punishment the Doctor gave him medicine ; and about four or five days after that he died.

It is remarked to the Evidence, by the Committee, that the account he has given to the Committee is contradictory in one instance ; as in the former part of his declaration he says, That the same night on which Vydenadah had taken medicine, he was seized with a shivering, and shewed signs of being delirious, was visited by a European Doctor, who declared

clared him to be in a very bad condition, and that the next evening at eight o'clock he expired.—In his answer to the last Question he says, That four or five days after the Doctor gave him medicine he died.

Armagum replies to this, That he was himself seized with a giddiness and indisposition at his last examination.—That the truth is, that the day after Vydenadah's punishment, the Black Doctor gave him medicine, two days after an European Doctor visited him, but gave him no physic, and about four or five days after his punishment he died.

QUESTION.—Did the Black Doctor give him any medicine, or attend him more than one time?

ANSWER.—He gave him medicine two or three different times.

QUESTION.—At what times after Vydenadah's punishment did the Black Doctor visit him?

ANSWER.—The day after his punishment, and daily for one or two days afterwards.

QUESTION.—Was there more than one Black Doctor attended him?

ANSWER.—One Black Doctor only gave Vydenadah medicine, other Doctors visited him, but gave him no physic.

QUESTION.—What was the Doctor's name who gave Vydenadah medicine?

ANSWER.—Soobramany.

QUESTION.—What things were in the boxes which you saw opened at Mr. Cochrane's house?

ANSWER.—Some cadjan accounts and cloaths.

On the 23d of November *Armagum*, the servant of Vydenadah and Witness called by Mootiah, was produced to the Committee a third time for examination.

The following Questions, amongst others, were put to him by the Committee:

QUESTION.—Was you with Vydenadah the whole time from his punishment to his death?

ANSWER.—Yes, the whole of the time.

QUESTION.—Did you observe any marks of violence on Vydenadah's body after the punishment had taken place?

ANSWER. Yes, very bad ones.

QUESTION.—What sort of marks were they that you thought so bad?

ANSWER. Strokes of a rattan on his back and shoulders, and a few on his legs.

QUESTION.—Was there any skin taken off his back, or any appearance of blood?

ANSWER.—The skin was not taken off, but some blood appeared where the strokes of the rattan had taken place.

QUESTION.—Did the marks on his back heal up before his death?

ANSWER.—No.

The Witness being taken ill is permitted to withdraw.

N. B. There is the same remark subjoined to the first day's examination of this Witness on the 9th of November, where it is said, The Evidence being taken ill, is unable to proceed with his declaration.

The

The six preceding Witnesses were all of them Witnesses produced on the part of *Mootiab* the accuser of Mr. Cochrane; and it is to be remarked, that though *Mootiab* personally attended at Negapatam during the examinations, yet Mr. Cochrane abstained from attending there, either by himself, or by any agent on his part, in order that the enquiry might have its free course; by this means it happened that there was no cross examination of *Mootiab's* Witnesses on the part of Mr. Cochrane.

On the 4th day of December 1784, Ensign Somers Clarke, who had been present at the punishment of Vydenadah, was called upon by the Committee at Negapatam to give an account of every particular he knew in relation to the matters in question; and the Declaration made by him was as follows:

Negapatam, Saturday, 4th December 1784.

Ensign Clarke being summoned before the Committee is desired to acquaint them with whatever he knows relative to the punishment and death of *Vydenadah*.

Evidence of Ensign Clarke.

ON the 3d November 1783, being in a room adjoining to a hall where Mr. Cochrane was, I heard high words pass between him and some other men, upon which I entered the hall, when Mr. Cochrane explained to me, That the man before me, *Vydenadah*, had given in *false accounts* concerning the Company's grain, and had made away with the *original books and cadjans*, which prevented his forwarding his accounts to the Honourable Board.

That he was sure Vydenadah had either made away with them, or caused them to be made away with, and that therefore he would have them out of him. After explaining this, Mr. Cochrane again asked Vydenadah for the accounts; when receiving some unsatisfactory or insolent reply, he struck him with his hand on the breast and back, which threw him down, and afterwards, while sitting on the floor, several times with a rattan.

Mr. Cochrane then said he would make a public example of him, as it was on the Company's account.

He accordingly ordered two Sibendy Sepoys to flog him, and afterwards some of his Pallankeen boys, *with a view*, as Mr. Cochrane informed me, *that he might see*, in case one was tired, the punishment would not cease till he gave up the accounts.

This was done publicly in my presence, and to the best of my remembrance, in the presence of Ensigns Crew and Ratliff, and a number of black people, among whom was a Tindal of one of the boats, who had given in a deposition against Vydenadah to Mr. Cochrane.

Upon Vydenadah's persisting in denying any knowledge of the accounts, his flogging was continued, when, on his throwing himself into various postures, and Mr. Cochrane *fearing some unlucky blow might be given him while on the ground*, he had him tied up to the ballustrades of the stair-case, in the hall adjoining near the public cutchery, *and the punishment continued on his shoulders*—afterwards taken down, when appearing to faint, Mr. Cochrane judging he feigned more than was really the case, applied a bottle of eau de

C

luce

lance to his nose, which had the effect of making him immediately sit up, and appear anxious lest Mr. Cochrane should repeat it.

Mr. Cochrane often stopped the punishment, to ask him for the accounts, which he persisted to know nothing of, at last Mr. Cochrane sent for his mother and family, and desired the mother to persuade him to produce the accounts, which he still persisted to know nothing of; and the punishment had just recommenced, when the mother begged it might be discontinued, which was done—she then spoke to Vydenadah a second time.

At this time I was in an adjoining hall, with Ensigns Crew and Ratliff, and therefore did not hear what passed, though the doors were opened, but was informed he agreed to deliver up the original cadjans, and asked leave to go for them, which Mr. Cochrane refused, lest he should alter his intentions while going for them, but allowed him to send his mother with the cutwall and some Sibendy Sepoys, to bring his chest, boxes, &c. in which he said the accounts were.

In about a quarter of an hour after, they were brought to Mr. Cochrane's house, and opened in my presence, and the presence of a number of people, when the cadjans were found.

I do not recollect seeing any money or jewels whatever in or among any of the chests, boxes, &c. that were brought.

This all happened, as nearly as I can recollect, between the hours of ten and twelve in the forenoon, and one in the afternoon—Vydenadah was then returned to the usual place of confinement, being a room adjoining to where Mr. Cochrane held the public cutchery;—his mother and the rest of his family, except his wife, were confined with him, and what Doctor he chose suffered to attend him.

On the 8th of November I was passing by the room where Vydenadah was confined, and called in to see him—I found him sitting on a mat, with his eyes much swollen in his head; and on my speaking to him, I observed he had much difficulty in answering me—I immediately went to Mr. Cochrane, and informed him of the situation I found Vydenadah in, who returned with me to see him; he was then requested by a bye-stander (whom I do not recollect) to permit him to go and remain in his own house; which Mr. Cochrane refused doing, observing he was confined on a public account, and could not therefore be released until he had made restitution of the embezzlement.

On the 9th November, in the evening, Vydenadah died; and on my informing Mr. Cochrane of it, he expressed his concern, and gave orders for the corpse to be carried to the house of his family.

The next morning at breakfast, Vydenadah's mother came to Mr. Cochrane, and made a request of the jewels belonging to her daughter-in-law, which I was informed had been deposited by Vydenadah, in part payment of the grain he had embezzled belonging to the Honourable Company.

She said the jewels were necessary for the ceremony to be observed in the funeral, which Mr. Cochrane gave up to her in my presence.

And on the old woman declaring that her deceased son was her only support, and that she had no money to perform the funeral ceremony, Mr. Cochrane informed her, that the

same wages which had been allowed Vydenadah should be continued to his brother-in-law, a boy fourteen years old,—and ordered some money to be given her for the charges.

He then directed, that the ceremony should be performed in the most public manner, and that his servants of the same cast should attend—it was accordingly done between the hours of nine and eleven in the forenoon.

On the 27th December, while sitting at dinner, Mr. Cochrane told me and others of a conversation that had passed between him and one Mootiah that forenoon; the substance of which was, to the best of my recollection, That he, Mootiah, wanted a donation to smother the affair concerning Vydenadah;—at the same time asked Mr. Cochrane if he had not received a letter from one Vencata Row at Madras.

This Letter arrived while we were at dinner, and from the contents, and what Mr. Cochrane declared to have passed between him and Mootiah, the company who were present were of opinion, that it was with a view to exact money that Mootiah had come to Negapatam, and that the letter was wrote.

On the 29th in the morning, the cutwal and his peons brought Mootiah to Mr. Cochrane's house, saying they had caught him making his escape during the night; on which Mr. Cochrane requested me to confine him in my guard, until the accounts of Vydenadah could be examined into, and evidence collected concerning a robbery committed by Vydenadah and Mootiah,—I accordingly confined him; but he had leave to go to his house to eat his victuals during the day.

Mr. Clarke informs the Committee, that one Mr. Bantleman, a writer of Mr. Cochrane's, was present at the meeting between Mootiah and Mr. Cochrane.

QUESTION (by the Committee) to Mr. Clarke.

Do you recollect how often Vydenadah was punished, and whether he was ever punished in the evening?

ANSWER.—I know of no other punishment than the one I already mentioned.

QUESTION.—How many lashes do you think Vydenadah might receive?

ANSWER.—I imagine between two and three hundred.

QUESTION.—Did you perceive any blood drawn?

ANSWER.—Vydenadah was flogged in a white jacket, which was cut, and I think, but am not quite certain, one or two drops of blood appeared.

QUESTION.—Did the punishment of Vydenadah appear to you, at the time; so severe as to be likely to occasion his death?

ANSWER.—*It did not.*

QUESTION.—Do you know of any doctor that attended Vydenadah?

ANSWER.—I do not know of any doctor attending him, but heard Mr. Cochrane gave orders Vydenadah might have any doctor he chose.

The above is the whole of Ensign Clarke's examination at Negapatam; but he was likewise examined upon oath before Alexander Davidson, Esq. one of his Majesty's Justices of the Peace, and also one of the Council at Madras, upon the 29th of September 1784, at a time when Ensign Clarke was thought to be in a very precarious state of

health.—The particulars learnt from Ensign Clarke at these two several examinations were much the same; but as more questions had been put to him at the examination before Mr. Davidson than at the time of his examination at Negapatam, so the account received upon the examination before Mr. Davidson, at Madras, was somewhat fuller:—In particular there were the following Questions and Answers:

QUESTION.—Do you recollect when Vydenadah was punished? &c.

ANSWER.—To the best of my recollection *Vydenadah* was punished on the 13d of November 1783, *between the hours of ten and twelve in the forenoon.*

QUESTION.—Do you believe, or have you any reason to suspect, that Mr. Cochrane had any private pique at Vydenadah, or that he punished him with any other view than that of obliging him to deliver up the original accounts of the grain that was sent for the use of the grand army near Cuddalore?

ANSWER.—I have no reason whatever to believe that Vydenadah was punished through any private pique or resentment, because the punishment *desisted* as soon as Vydenadah declared he would deliver up the original *cadjans*, and Mr. Cochrane more than once remarked to me, when I seemed uneasy at the continuation of the punishment, that it was no private affair, it was on the Company's business.

QUESTION.—On the 20th December 1783, when Mr. Cochrane received the orders of the Honourable Board dated the 6th of the same month, to proceed to Madras without delay, did he not remark to you that his predictions of the 6th at night proved true, and that *Canagasabapilla*, supported by the Dubash of Lord Macartney's family, must be the fabricators of that Anonymous Libel?

ANSWER.—He often communicated his sentiments to me to that effect.

N. B. The state of the evidence taken at *Negapatam* is referred to in page 34 of the Memorial.

Ensign Clarke's testimony is referred to in pages 36, 37. 41. 60. 67. of the Memorial.

The Inquiry and Examinations taken at *Negapatam* related to various other Articles of Charges made by *Mootiah* against Mr. Cochrane, besides the punishment and death of *Vydenadah*: But as *Mootiah* failed in supporting his Charges by proof, and as Mr. Smith's Report relates solely to *Vydenadah's* punishment and death, so it has been thought unnecessary to load this Appendix with the other particulars of the Examinations taken at *Negapatam*.

MINUTE

MINUTE of Mr. DENT, one of the Members of the Madras Council, with the President's Observations thereon.

THE PRESIDENT (LORD MACARTNEY'S) OBSERVATIONS UPON MR. DENT'S MINUTE, AND WHICH WERE WROTE ON THE MARGIN OF IT.

^a This evidence, as Mr. Cochrane calls it, is now recited in the Minute, and all due weight is intended thereby to be given it.

(Signed) M.

^b Why they were not examined the Board does not know: They certainly did not forbid to hinder it.

^c This is not to the point—the Board are to speak of what they did, not what Mr. Dent now conjectures might better have been done formerly. All this trouble is occasioned by Mr. Cochrane himself. The Board did their duty: their conduct seems to be arraigned; they must vindicate themselves.

^d The point was not whether Vydenadah had misbehaved. The punishment and cause of his death was the matter referred to Mr. Fallafield, &c.

MINUTE FOR COUNCIL, 10th Feb. 1785.

Mr. DENT,

IN the opinion I had the honour to deliver in Council the 16th of September last, I recommended, that Mr. John Sullivan, the resident at Tanjore, and Ensign Clarke, should be called on, which was never done; for it is to be observed, that Ensign Clarke was the principal eye-witness^a; neither were Cullundee^b the mother, or Velloroyen, the brother-in-law, all of whom I understand were then in Madras, ever examined touching this transaction, when the reference was made to Nagore, although Mr. Cochrane, in his Letters, declared that he was ready to support his several assertions in contradiction to what was advanced by Mootiah.

2.—I am here to remark, that I think^c it would have been better that the petitions of Mootiah had not been recorded until he had first sworn to the truth of the facts, and produced his evidences to support the same. Mr. Cochrane might then have been regularly called on for his answer; by which he would have had an opportunity, long before this, of refuting the charges exhibited against him, and saved the Board, and our Honourable Employers, an infinite deal of trouble.

3.—^dI some time ago perused the report from the Committee at Negapatam, by which, together with Mr. Cochrane's letter to the Board, it evidently appears, that Vydenadah, with Mootiah, had been guilty of robbing the Company of grain, &c. and the former, to prevent detection, gave in false accounts.—And it also appears, that, by reason of his repeatedly refusing to deliver up the original public accounts, he was punished in the most public manner, agreeably to the Oriental custom, until he gave up the very accounts which he positively

LORD MACARTNEY'S OBSERVATIONS UPON
MR. DENT'S MINUTE.

This is certainly true ; but if he had never delivered up the accounts, was his punishment never to cease ?

I am of opinion, as stated above by Mr. Dent, that the punishment was intended merely to get the accounts from Vydenadah. When soldiers are punished, a surgeon always attends to give his opinion as to the danger to be apprehended from it ; they are appointed to that duty as the proper judges. Had that precaution been taken on this case, it might have saved much trouble. Mr. Clarke represents in his examination, that Mr. Cochrane himself had beat the man on the breast and the back, threw him down, and whilst down, struck him several times with a rattan.

There is no doubt of it.

The Board never supposed otherwise ;—but Mr. Dent goes a little too far in saying, that Mootiah, or any other person, is bound to prove that Vydenadah died of the punishment ; that must depend on evidence that has not been found practicable to bring, the black doctor, who has absconded, or who is not to be found, Soobramany Pillah would be a material evidence, as he attended the deceased ; or any other medical person who inspected the body after death. In England, when the King loses a subject, and any suspicion lies of his death not being a natural one, inquiry is made, but no man is bound to prove whether it were so or not.

This is certainly a point very material, and ought to be strictly inquired into ; for if any person has secreted evidence, it will be a very strong presumption of guilt in that person.

MR. DENT'S MINUTE.

positively denied having, previous to the punishment. And it likewise appears that the punishment ceased, the instant he agreed to deliver them up.

4.—Ensign Clarke declares, that he does not believe that Vydenadah was punished from any private pique, nor did he conceive that the deceased's life was in any danger during the punishment.

5.—It appears that Mr. Cochrane gave strict orders that every possible care should be taken of him after the punishment ; and that the funeral ceremony was performed in the most public manner, and that no steps whatever were taken on the part of Mr. Cochrane to conceal it. Therefore, the most that can be said of it is, that it was an *unlucky accident*, even supposing that the man's death had been hastened by the punishment, which is by no means proved ; and it is now incumbent upon Mootiah to prove it, without troubling Mr. Cochrane, or villifying his character upon record.

6.—It appears, from the proceedings of the Committee at Negapatam, that Mootiah did not produce to them the most essential eyewitnesses to be examined ; which Mr. Cochrane takes notice of in his Letters of the 8th and 11th of January. This being the case, and Mootiah now refusing to swear to the whole of the truth of the petitions, since he has been regularly called on, I am humbly of opinion, there is great reason to suspect that means may have been taken by Mootiah, to prevent Soobramany Pillah, the black doctor, from appearing before the Committee.

7.—I think it should be mentioned to the Court of Directors, that Mr. Cochrane's reason for not attending at Nagore, was with a view that a free and uninterrupted inquiry might

LORD MACARTNEY'S OBSERVATIONS UPON

MR. DENT'S MINUTE.

* *How far this assertion be exact—Vide the Consultation and Minutes of the Board.*

¹ *Those Anonymous Petitions, it will appear, were never meant to be, and never would have been recorded, if they had not been given at Mr. Cochrane's desire. But at all events, no stress is laid upon them, nor ever was laid upon them, in the order for an examination of this business at Nagore. Mr. Cochrane himself rendered all this necessary.*

^m *The sending such directions to the subordinates would be highly proper, whether Mr. Cochrane's case were in question or not. Is it a proper direction or not? if it be it should be sent, if not let the Board forbid it.*

ⁿ *Mr. Cochrane certainly has been very active, and desirous to bring this matter to an investigation; and the Board has certainly aided him in doing so, by performing their own duty.*

^o *The Board, I believe, will have no objection to Mr. Dent's present Minute, nor any other of his Minutes, which he wishes to go as Numbers in the Packet; but, that in a future dispatch, in order that the Court of Directors may be able to judge of the conduct of the Board through all this business, it will be proper for the Secretary to draw up from the Records a statement of the case, and transmit it home; informing the Directors in this dispatch that such a statement is preparing, and that it would have been now sent, could they have foreseen, that on the 9th instant, the day appointed for the close of the Packet, Mr. Cochrane would have sent in so voluminous a performance to be transmitted, before the Board had sufficient time to examine it.*

(Signed) **MACARTNEY.**

MR. DENT'S MINUTE.

might take place, and not embarrass the evidences by his presence to cross-question them, as he has a right by law to do; and that his reason for requesting that they might be ordered to the Presidency was, that they might swear to the truth of their informations, and thereby render them amenable to the English laws, if any of them were hereafter proved guilty of perjury.

8.—Upon a reconsideration of Mr. Cochrane's letters, and from the perusal of the several papers now in circulation, it clearly appears to me, that * Mr. Cochrane never did apply for copies of the *Anonymous Petitions*, but only for extracts of the Minutes of consultation that had passed in consequence of the *Anonymous Petitions* being laid before the Board the 2d December 1783, which seems now to be an essential point for the information of our Honourable Masters.

9.—Therefore, from the foregoing circumstances, I think the latter part^m of the note to the Honourable Court now proposed, is not applicable, and seems too harsh upon Mr. Cochrane, who appears to have done all in his power to promote the inquiry; and have only to add, that as it is highly proper the company should be fully acquainted with the different opinions of the members on this subject, I am^o to request that this opinion may go home a Number in the Packet, with the rest of the proceedings.

(Signed) **C. B. DENT.**

N.B. The preceding Minute of Mr. Dent, with Lord Macartney's Observations upon it, is referred to in Page 45 of the Memorial.

DEPOSITION of WILLIAM HAWKINS, Serjeant of the Seventh Madras Battalion.

THIS Informant on his Oath saith, That he was at Negapatam on the third of November, one thousand seven hundred and eighty-three, and resided in a room within the compound of the public cutcheree, adjoining to the house the Honourable Basil Cochrane, Acting Resident at Negapatam, lived in. This Informant saith, That he was not present at the punishment of Vydenadah, but was afterwards sent for by Mr. Cochrane, in presence of Vydenadah, and many others, to sort some Victualling Bills, which this Informant afterwards understood had been publicly taken out of some chests belonging to Vydenadah. This Informant saith, That while he was receiving orders from Mr. Cochrane how to put the bills in order, Vydenadah said something, upon which Mr. Cochrane asked what he said; that some servant standing by said, that Vydenadah desired leave to go to his own house, to which Mr. Cochrane replied in these words, "That he should not be permitted until he gave up his accounts, which he might have done without all this trouble." And this Informant saith, That Mr. Cochrane in this Informant's presence gave orders, that Vydenadah was not to be permitted to go out of the cutcheree, but his victuals to be passed in for him. This Informant further saith, That he never heard of any orders being given by Mr. Cochrane for Vydenadah and his family to be served with congee with or without salt.

This Informant saith, That some time in the evening of the third of November, one thousand seven hundred and eighty-three, Mr. Cochrane sent for and desired the Informant to go and endeavour to prevail on Vydenadah to acknowledge where his true accounts were, and to take down in writing every thing that he said. This Informant saith, That he accordingly went to the room where Vydenadah was, and that Vencataroyaloo took down in writing, in this Informant's presence, what Vydenadah dictated; and this Informant made a copy from the paper drawn out by Vencataroyaloo. This Informant saith, That Mr. Cochrane was not present when Vydenadah dictated the accounts which were taken down, and that immediately after they were taken down, this Informant, together with the said Vencataroyaloo, went to Mr. Cochrane, whom this Informant and Vencataroyaloo found in the hall of his house with some company, and delivered to him the accounts that had been taken down in writing. This Informant saith, That the room by appearance in which Vydenadah was confined in, was a good and wholesome place.

This Informant saith, That about the seventh or eighth of November, one thousand seven hundred and eighty-three, one William Henry Robert Crawford, Sub-Assistant Surgeon, arrived at Negapatam from Tanjore, and remained with him in his room in the cutchery for two days, when he proceeded to Tranquebar, on his way to Madras. That during his stay at Negapatam, he informed this Informant, that he had visited Vydenadah, Mr. Cochrane's servant, in the adjoining room, and found him very ill; adding, *that he was an old patient of his*, and would certainly die.

This Informant saith, That no additional guard was posted in consequence of Vydenadah being punished; that the only guard posted to his knowledge was the usual guard of the company of Sepoys of the Seventh Carnatic Battalion, to which this Informant belonged, and under the command of Ensign Clarke. This Informant further

further faith, That soon after the death of Vydenadah, Mr. Cochrane desired this Informant to instruct Vellaroyen, the brother-in-law of Vydenadah, in the English language; that the said Vellaroyen was regularly to attend this Informant to receive his lesson; and once the said Vellaroyen informed this Informant, that Mr. Cochrane had agreed to take him into his service, and continue to him the same pay as allowed to Vydenadah during his life-time.

(Signed) W^m. HAWKINS.

Fort St. George, 9th April 1785.

Sworn before me this day,

(Signed) ALEX^r. DAVIDSON, Justice.

DEPOSITION of WILLIAM HENRY ROBERT CRAWFORD, Sub-Assistant Surgeon to the Hospital of Fort St. George.

THIS Deponent on his Oath faith, That he acted as Sub-Assistant Surgeon to the Hospital at Negapatam, from the capture of the place from the Dutch, until the twenty-seventh of December, one thousand seven hundred and eighty two, when he this Deponent accompanied the sick and wounded men to Tanjore. This Deponent faith, That some time in the month of December, one thousand seven hundred and eighty-two, while he was residing in the Hospital at Negapatam, one *Vydenadah*, Conicoply or writer to the Honourable Basil Cochrane, called upon this Deponent by desire of Doctor Falconer, and requested medicines of this Deponent to cure a flux, which he the said Vydenadah said he was afflicted with. This Deponent faith, That on examining the said Vydenadah, this Deponent found that he, Vydenadah, had *an obstruction in his liver*, for which this Deponent gave Vydenadah medicines. This Deponent further faith, That having been ordered to Tanjore with the sick and wounded, he was not able to effect the cure.

This Deponent faith, That about the seventh or eighth of November, one thousand seven hundred and eighty-three, he arrived at Negapatam, and remained there two days with Serjeant Hawkins, belonging to a company of the Seventh Carnatic Battalion of Sepoys, then stationed at Negapatam, under the command of Ensign Clarke, who resided in a room in the cutcheree, adjoining to the house Mr. Cochrane lived in. This Deponent further faith, That coming into the cutcheree, and passing by a room, the door of which opens into the cutcheree, and was then open, he this Deponent was called into the room by the name of Doctor, upon which this Deponent answered, and went into the room, where he this Deponent found the aforesaid *Vydenadah*, Conicoply of Mr. Cochrane, who told this Deponent, that he had been *lingering with the afore-mentioned disorder ever since the Deponent's departure from Negapatam*; that he never found any remedy for it, and thought he should soon die. This Deponent faith, that he examined the said Vydenadah, and found he had *the same obstruction as he had before when this Deponent left him, accompanied with a great difficulty in breathing, and a fever, the same as in the case of a man that is attacked with the liver complaint*. This Deponent faith, That he informed Vydenadah he had no medicines with him, and was thereby

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prevented

prevented from rendering him any assistance. This Deponent then left the said Vydenadah, and went to the adjoining room, where Serjeant Hawkins was, whom this Deponent made acquainted with the dangerous case of Vydenadah.

This Deponent further saith, That he never spake to Mr. Cochrane about the dangerous situation the said Vydenadah was in, but proceeded to Tranquebar. This Deponent further saith, That Vydenadah never complained to this Deponent of any ill treatment from Mr. Cochrane, nor did this Deponent ever hear of the aforesaid Vydenadah having been flogged; until the arrival of the aforesaid Serjeant Hawkins at Madras, about the latter end of February, one thousand seven hundred and eighty-five. This Deponent further saith, That on the first of April, one thousand seven hundred and eighty-five, Serjeant Hawkins came to the Company's Hospital, where this Deponent now resides, and said, that Mr. Cochrane wanted to speak with this Deponent. This Deponent saith, That the next day he called on Mr. Cochrane in the Fort, accompanied by Serjeant Hawkins; and in his presence, and in the presence of many others, was asked by Mr. Cochrane what he, this Deponent, knew concerning Vydenadah; this Deponent replied in terms to the above purport; on which Mr. Cochrane asked this Deponent if he would depose to the same upon oath; to which this Deponent answered in the affirmative.

(Signed) W. H. R. CRAWFORD.

Fort St. George, 12th July 1785.

Sworn this day before me,

(Signed) J. DANIELL, Justice.

DEPOSITION of SOOBARAMANY PILLAH of Seytamungy, in the Districts of Myaveram, in the Kingdom of Tanjore, Malabar Doctor, and formerly practising Physic at Negapatam.

THIS Deponent on his oath saith, that some time in the month of November, one thousand seven hundred and eighty-three, while at Negapatam, he called at the public cutchery in the house of Mr. Cochrane, then Resident at Negapatam, where he saw Cullendee, the mother of Vydenadah, standing at the door of a room in which Vydenadah her son was, that opened into the cutchery, who called to him, and said that her son was bound, and asked what medicines she could give to open his belly; to which he replied, make a decoction of bamboo leaves, &c. articles, and give it him: Next day this deponent was applied to by some people belonging to Rasapah Naick, the dubash of Mr. Cochrane, who said that Mr. Cochrane wanted him: that he, this deponent, went with him, and called at the cutchery in the house of Mr. Cochrane to know what he wanted; he found some servants there, and asked one of them, by name Rasapah, what he, this deponent was sent for, who told him that Vydenadah, a servant of Mr. Cochrane, was sick, and therefore he desired this deponent to go and see what ailed him; and afterwards this deponent saw Mr. Cochrane, who gave him the like orders; upon which this deponent says he went to the place where Vydenadah was, being a writing-room for the con-

copies,

copies, off or leading into the public cutchery, and found the said Vydenadah feverish, windy, and stoppage of urine, and costive, and a shortness of breathing, with some marks upon his back and legs covered with dried turmeric; whereupon he asked the mother if she had given the decoction he had prescribed the day before; to which she replied, she had, and that it gave him one stool, and made him urine; he then asked if any blood had passed, to which she replied in the negative; whereupon this deponent says, he pronounced him in great danger: That he acquainted Rasapah and Mr. Cochrane of this, who desired this informant to give him physic, and thereupon this deponent gave in a list of the articles of such physic he wanted, that then the said deponent sent one Armogum, a servant belonging to Vydenadah, to the bazar to purchase the physic, which was done, and the same given to the mother of Vydenadah, with directions how to use the physic by boiling it into a decoction, and giving the same with a pill and other physic necessary to open the body of the said Vydenadah, who was bound and very costive: That after this physic was given, another doctor came into the room, and, after enquiry into the state of Vydenadah's health, he pronounced the said Vydenadah in great danger, and then went away without giving any physic, but first enquired into and approved of the physic this deponent had given the said Vydenadah: That the mother of the said Vydenadah asked the said Vydenadah which of the two doctors he chose to be attended by, and he chose this deponent: That the said physic was given about ten o'clock in the forenoon, and in the evening this deponent was informed by the mother that the same had operated with the said Vydenadah.—This deponent further saith, that he found the pulse of the said Vydenadah the same as before, whereon another quantity of the same physic was given him, and the next morning he found that the physic had no effect, and that the said Vydenadah was worse.—This deponent says he repeated the physic with no effect; and about twelve o'clock of the same day, he informed Rasapah that he had no hopes of the said Vydenadah's recovery, and next morning he was informed that the said Vydenadah was dead.

This deponent further says, that during the time of his attendance on the said Vydenadah, neither the said Vydenadah nor his mother Cullundee, nor any other people who were always present and attending upon him, ever complained of any ill treatment from Mr. Cochrane, or imputed his sickness to any other cause than that of a sickness in his belly, by being bound, with stoppage of urine, and a difficulty of breathing, with feverish complaints.

This deponent further saith, that on the third of November, one thousand seven hundred and eighty-three, the day on which Vydenadah was punished, he, this deponent, was at Cadamaravakly, a village belonging to the Nagore church, distant from Nagore about five Malabar miles, and in the districts under Nagore.—This deponent further saith, that he did not return to Negapatam until the evening of the third day after Vydenadah was punished.

This deponent further saith, that neither Vydenadah, Cullundee, the mother, or any one else, ever informed him that Mr. Cochrane had ordered conjee to be served to Vydenadah and his family, without salt, and that Vydenadah had drank some of the conjee, after which, that he, Vydenadah, discharged some blood by stool.

This deponent further saith, that in the evening, on his return to Negapatam from Cadamaravakly as aforementioned, he heard of Vydenadah having been publicly punished on the third November, one thousand seven hundred and eighty-three, by order of Mr. Cochrane, which was the reason for this deponent's having prescribed the decoction of bamboo leaves,

leaves, &c. articles, on the seventh November, one thousand seven hundred and eighty-three, when he called at the cutchery, and was applied to by Cullundee, the mother, for medicines to open his, Vydenadah's, belly.—This deponent further saith, that he prescribed the decoction of bamboo leaves, &c. articles for Vydenadah without seeing Vydenadah or feeling his pulse, it being the usual purge given to people that have been flogged; but this deponent being informed on the eighth November, one thousand seven hundred and eighty-three, by Cullundee, the mother, that no blood had passed by stool, he, this deponent *prescribed other medicines on account of the fever, windiness, and shortness of breathing.*—This deponent further saith, that on the eighth November, one thousand seven hundred and eighty-three, when he visited Vydenadah by order of Mr. Cochrane, he prescribed for Vydenadah's diet, some pepper water and brinjal curry, and boiled rice without tamarinds; and in the evening of the same day, when he visited Vydenadah for the second time, Cullundee, the mother, informed this deponent, that Vydenadah had eat a little, but not much, of brinjal curry and rice above prescribed.

Fort St. George, 12th July, 1785.

Sworn this day before me,

(Signed)

J. DANIELL, Justice.

N. B. The Depositions of Serjeant Hawkins, Mr. Crawford, and Soobramany Pillah, are referred to in pages 61, 62, 63, and 64 of the Memorial.

DEPOSITION of ARMOGUM CHITTY, Inhabitant of Negapatam.

THIS deponent on his oath saith, That he was present at the washing of the body of Vydenadah, on the morning of the 10th November 1783, at Negapatam, before the funeral ceremony was performed, and that he this deponent had a full and complete view of the said Vydenadah's body: That he this deponent did not perceive any part of the said body of Vydenadah which had the appearance of being lately sore: That the marks that were upon the body appeared as the usual customary black marks occasioned by the strokes of a rattan: That this deponent did not see any part of his body swollen or cut, and that where the black marks appeared, the skin was equally smooth on those parts, as on every other part of the said corpse of Vydenadah.

Fort St. George, 12th July 1785.

Sworn this day before me,

(Signed)

J. DANIELL, Justice.

DEPOSITION

DEPOSITION of DASSAPAH NAICK, Soobadar of a Company of Sybendy Sepoys at Nagore.

THIS deponent on his oath saith, That some time in the year one thousand seven hundred and seventy-nine, Mr. Oram the paymaster at Nagore, who had the furnishing the Honourable Company with brick tiles and chunam, appointed one *Vydenadah* to manage that business; but instead of the said *Vydenadah* discharging his duty honestly, he embezzled part of the money in building a bengaloo for himself, and making presents to the dancing girls—This deponent says, That on this said Mr. Oram hearing of the bad character of his servant, he caused him the said *Vydenadah* to be *publicly flogged*, and thereby recovered part of the money he had expended, and kept him in confinement for the balance due by him, which he the said *Vydenadah* could not discharge—This deponent says, That the said *Vydenadah* found means to make his escape; and in the month of March one thousand seven hundred and eighty one, when the gentlemen of the Nagore factory embarked for Madras, the said *Vydenadah* joined the enemy, and plundered all the property belonging to the Honourable Company that was left behind, also the property of the inhabitants, and used them very cruelly.—This deponent says, That some time in the month of June or July of the said year, he left Nagore, and went to Tranquebar; and on his return, in his way to Negapatam, he met the said *Vydenadah* at Nagore, who caused him to be confined by the enemy, alleging to them that this deponent went to Tranquebar purposely to give information to the English there of what was doing at Nagore; and the said *Vydenadah* caused two hundred and fifty culloms of paddy to be taken out of this deponent's house, and threatened to hang this deponent: This deponent says, That when the army under the command of Colonel Nixon came to Nagore, the twenty-first day of October one thousand seven hundred and eighty-one, this deponent made his escape from the enemy stationed at Nagore, and conducted the English army into the said place, by which means the enemy were defeated, with the loss of many men and guns, also prisoners taken, among which was the said *Vydenadah*; for all which this deponent received the thanks of the said Colonel Nixon, and was rewarded with the appointment of Cutwall to Nagore town: This deponent says, That the said *Vydenadah* was afterwards released by order of Colonel Nixon.

Fort St. George, 12th July 1785.

Sworn this day before me,

(Signed)

J. DANIELL, Justice.

DEPOSITION of NARRAIN, a Pallankeen Boy.

THIS deponent on his oath saith, That on the third day of November one thousand seven hundred and eighty-three, he served the Honourable Basil Cochrane, acting Resident at Negapatam in the capacity of a Pallankeen boy: That he was not concerned in the punishment of one Vydenadah, writer or conicoply to the said Basil Cochrane, on the 3d November 1783, nor was he present at the same, he this deponent having staid at home on account of the rain, until the said Basil Cochrane sent for this deponent some time in the forenoon of the same day, and ordered this deponent to go with one Narasingarow the cutwall, and Cullundee the mother of Vydenadah, to the house of the said Vydenadah, and assist in bringing the effects of the said Vydenadah to the house of the said Basil Cochrane. This deponent says, That he, Washee, Sungiven, Nacheepah, and Nagun, Pallankeen boys, and some Sepoys or Peons, the names of whom this deponent does not recollect, accompanied the said Narasingarow the cutwall, and Cullundee the mother of Vydenadah, and brought from the said house several chests and boxes to the house of the said Basil Cochrane: This deponent says, That the contents of the said chests and boxes were examined before this deponent two different times, first, at the house of the said Vydenadah, before Cullundee the mother, some others of the family, and Narasingarow the cutwall. Secondly, At the house of the said Basil Cochrane before Cullundee the mother, one Vellaroyen, the brother-in law of Vydenadah, Narasingarow the cutwall; also before the said Basil Cochrane and many others, neither of which times did this deponent observe, that the said chests and boxes contained any thing else than some brass pots, cadjans and papers, and some wearing apparel: This deponent on his oath says, That he did not see, at either of the examinations, any money or jewels; nor did he ever hear that the said chests or boxes were said to contain money and jewels; or that Rasapah Naig, dubash to the said Basil Cochrane, ever did, directly or indirectly, carry away from the said house of Vydenadah, money, jewels, petitions, or bonds the property of Vydenadah, or of others under his (Vydenadah's) charge: This deponent says, That the said chests and boxes were brought from the said house of the said Vydenadah without violence used by the said cutwall, &c. nor was there any opposition made thereto, Cullundee, the mother of the said Vydenadah, having accompanied this deponent and the cutwall, &c. and pointed out the effects of Vydenadah, which were brought to the house of the said Basil Cochrane; and after being publickly examined, as above related, were restored to the said Cullundee, mother to Vydenadah, *after some cadjan accounts having been taken out* (the contents of which this deponent does not know) by order of the said Basil Cochrane: This deponent says, That the said Vydenadah was present at the examination of the said chests and boxes; after which they were carried by this deponent, and the aforesaid Pallankeen boys, to a room in the cutchery, where the said Vydenadah, Cullundee his mother, and Vellaroyen his brother-in-law, were also conducted, where they were publickly detained as prisoners under the usual cutchery guard: This deponent says, That he never heard that any victuals were refused admittance into the cutchery for the said Vydenadah and his family: This deponent says, That the said Vydenadah died on the ninth day of November 1783, in the evening: That the same evening this deponent, the said Washee, Sungiven, and Nacheepah, were employed in putting the corpse in a dooley, and carrying

the same publickly to the house that the said Vydenadah was used to dwell in; also carried the afore-mentioned chests and boxes to the said house, accompanied by the said Culundee the mother, and Vellaroyen the brother-in-law, and many others whose names this deponent does not recollect: This deponent says, That the next day he was in Negapatam, when the said corpse of Vydenadah were publickly carried in the forenoon to the usual place, where the corpse were burnt, agreeable to the custom of his cast.

This deponent says, That he never heard that the said Basil Cochrane took any means, directly or indirectly, of concealing the punishment and death of the said Vydenadah.

Fort St. George, 12th July 1785.

Sworn this day before me,

(Signed,)

J. DANIELL, Justice.

— The Mark of NARRAIN.

On the same date, 12th July, 1785, there appeared before Mr. Daniell, the Justice, another pallankeen boy named *Nachiapah*, who upon oath gave his information on the same subjects and to the same effect as that which was given by *Narrain* the pallankeen boy, whose deposition at full length has been above inserted.

N. B. In the petition given in by *Mootiah* to the Board at Madras in June 1784, against Mr. Cochrane, *Mootiah*, amongst other things, had asserted, that on the 3d of November, the day of Vydenadah's punishment, Mr. Cochrane's dubash had "sent some of his own people, and four of the Cutwall peons, to *Vydenadah's* house, and in a "forcible manner plundered and carried away all the money, jewels, effects, bonds, papers, &c. "belonging to the said Vydenadah." — When the opportunity was given to *Mootiah* of proving, before the Committee at Negapatam, the charges which he had brought against Mr. Cochrane and his dubash, he was not able to support by proof any part of the charges above-mentioned: And, on the other hand, the falsehood of the allegation about carrying away money, jewels, bonds, papers, &c. from Vydenadah's house, appears from the depositions of several witnesses examined at Negapatam, and from the depositions of the two pallankeen boys above-mentioned, who had been employed in bringing Vydenadah's effects from his house to the place where Vydenadah was punished on the 3d of November 1783, when his boxes and chests were examined in presence of Vydenadah himself, Mr. Cochrane, Ensign Clarke, and various other persons.

IN the Memorial prefixed to this Appendix, the Memorialist (the Earl of Dundonald) has examined all the different parts of the Report made by Mr. Smith, the Company's Solicitor, upon Mr. Cochrane's Case; and has endeavoured to shew, that the substance and tendency of that Report was not supported, on the contrary, was in many essential respects contradicted by the proofs which then were, or might have been, under Mr. Smith's view at the

the time of making up his Report, which was signed by him on the 23d of April 1786: The Memorialist, however, thinks it incumbent on him to remark, that Mr. Smith, at the time of framing and signing that Report, had not an opportunity of seeing the depositions above-mentioned, commencing with that of *Serjeant Hawkins*, and ending with those of the *Palankeen boys*; for it was subsequent to the references made by the Court of Directors to Mr. Smith, that these Depositions were received by Mr. Cochrane's friends in London—They were received in the end of April last 1786, in a packet from Mr. Cochrane, at Madras, which came by the way of Lisbon, and they were immediately delivered in to the Court of Directors by Mr. John Cochrane, brother to Mr. Basil Cochrane, as appears by his Memorial to the Court of Directors, dated the 26th of April 1786, in which he specifies the Depositions he then left at the India-house, and describes the manner in which they were authenticated by the subscriptions of the several Deponents, and by those of Mr. Basil Cochrane, and of the Sitting Justice at Fort St. George.

These Papers were delivered to the Court of Directors in the morning of the 26th of April, which was three days subsequent to the date of Mr. Smith's Report. In fairness to Mr. Smith, this Observation has appeared to the Memorialist necessary to be made; for although it was on the foundation of that Report that the proposed paragraphs for Mr. Cochrane's dismissal from the service were framed on the said 26th of April; yet it is proper thus to distinguish those articles of proof which Mr. Smith had access to know before his Report, from those which he had no opportunity of seeing or judging upon, till after the Report had been framed and delivered in to the Court of Directors.



